

**Nowhere to Turn:**  
**Blackmail and Extortion of LGBT People**  
**in Sub-Saharan Africa**

**Edited by**  
Ryan Thoreson and Sam Cook

IGLHRC works to improve the lives of those who experience discrimination and abuse because of their sexual orientation, gender identity or expression, and to achieve a world with human rights for everyone, everywhere.

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African Charter	African Charter on Human and People’s Rights
AIDS	acquired immune deficiency syndrome
ARN	Alliance Rights Nigeria
CEDEP	Centre for the Development of People (Malawi)
CEPEHRG	Centre for Popular Education and Human Rights – Ghana
CID	Criminal Investigation Department
FCfa	Franc Coopération Financière en Afrique Centrale
GALZ	Gays and Lesbians of Zimbabwe
HIV	human immunodeficiency virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IGLHRC	International Gay and Lesbian Human Rights Commission
INCREASE	International Centre for Reproductive Health and Sexual Rights (Nigeria)
LGBT	lesbian, gay, bisexual, transgender <sup>1</sup>
MWK	Malawian kwacha
MSM	men who have sex with men
NAC	National AIDS Commission
NGOs	non-governmental organizations
SEE	Stop Exporting Evil
SMAAN	Sexual Minorities Against AIDS in Nigeria
STI	sexually transmitted infection
UNAIDS	The Joint United Nations Programme on HIV/AIDS
USD	United States dollars
WSW	women who have sex with women

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1 Throughout this volume, we use the acronym “LGBT” to include a wide range of populations. The acronym explicitly includes those individuals who identify as gay, lesbian, bisexual, or transgender, but should also be read to include those who are intersex, queer, or identify with locally-resonant genders and sexualities. Importantly, it also includes men who have sex with men, women who have sex with women, or others who engage in same-sex activity, whether or not they feel that this is an important part of their identity. Used this way, “LGBT” is widely recognizable among activists and policymakers but still as inclusive as possible.

## BLACKMAIL AND EXTORTION OF LGBT PEOPLE IN SUB-SAHARAN AFRICA

Ryan Richard Thoreson

On June 2, 2010, the anonymous blogger at GayUganda posted a threatening letter sent by a group calling itself the National Anti-Homosexual Taskforce. The letter was written to someone who GayUganda called “Mr. Semakula Zilaba,” and described just how much the Taskforce knew about him – his age, where he went to school, where he worked, details about his wife and child, and his whereabouts on certain days and times. The letter’s authors then demanded a list of all the homosexuals that Semakula knew in Kampala and Jinja. They also demanded a letter denouncing homosexuality that they could use to show that they were eradicating homosexuality in Uganda. If the demands were not met, the letter stated, the Taskforce would expose Semakula to his family, friends, employer, and neighbours, would get him fired and blacklisted from future employment, and would publicize his sexuality in every neighbourhood in which he tried to live in the future. It also implied that Semakula’s friends faced physical harm if they themselves failed to comply with the demands of the Taskforce.<sup>1</sup>

It is difficult to overstate the terror and helplessness that these types of threats evoke for their victims. In places where it is illegal, stigmatizing, or dangerous to identify as LGBT or to engage in same-sex activity, keeping one’s sexuality a secret may be, quite literally, a matter of life or death.<sup>2</sup>

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1 GayUganda, “Blackmail, Extortion: Cleanse Uganda Style,” 2 June 2010, at <http://gayuganda.blogspot.com/2010/06/blackmail-extortion-cleanse-uganda.html>, accessed 20 August 2010.

2 In a particularly alarming case in late 2009, a website called “Project SEE” (for “Stop Exporting Evil”) was launched to target human rights defenders working for LGBTI and reproductive rights in Kenya. The website features “Not Wanted” posters of the most prominent human rights defenders – including their photographs and contact details – and encourages its visitors to print them out and post them around their neighbourhoods and towns. Nominally, the goal of the campaign is to have these activists arrested under laws that criminalize same-sex activity and abortion in Kenya – this in spite of the fact that it is perfectly legal to advocate for LGBTI or reproductive rights. The posters are unlikely to result in the arrest of these activists, but they do dramatically increase their visibility and the risk that they will face physical assault or murder at the hands of vigilantes. Project SEE is run by Jonathan O’Toole of Kansas City, Missouri and lists two other coordinators as Michael Bray of Wilmington, Ohio, and Neal Horsley of Carrollton, Georgia. It has two local coordinators in Kenya – Patrick Kingori of Nairobi and Robert Wakhu of Eldoret. See O’Toole, Jonathan, “Project SEE,” 2010, at <http://www.projectsee.com>, accessed 7 September 2010.

In 38 countries across the continent of Africa, same-sex activity is criminalized and one has only to look at the reports of human rights organizations to see evidence of the violence and discrimination unleashed on LGBT people because of their sexual orientation or gender identity. The profound repercussions that would stem from the disclosure of sexual secrets and the vulnerability this creates allow people, like the authors of the letter on GayUganda, to keep LGBT people in a debilitating state of fear and worry and to manipulate their lives for gain – even as their victims go to great lengths to protect their secrets.<sup>3</sup> The gravity of the consequences of disclosure – beyond creating vulnerability – also deters victims from seeking support, reporting these crimes and seeking justice.

The letter posted on GayUganda is not unusual. Of all of the violations that LGBT people in sub-Saharan Africa deal with, blackmail and extortion are perhaps the most prevalent – and the least visible. A recent survey of men who have sex with men (MSM) in Malawi, Namibia, and Botswana found that blackmail was one of the most prevalent human rights abuses they faced, with 18% of those in Malawi, 21.3% of those in Namibia, and 26.5% of those in Botswana reporting incidents of blackmail.<sup>4</sup> Among those surveyed across all three countries, the 21.2% of people who had been blackmailed because of their sexuality were a larger proportion than those who, on the same basis, were afraid to walk in their community (19%), were afraid to seek health services (18.5%), had been beaten up by a government or police official (12.2%), were denied housing (6.9%), or were denied health care (5.1%).<sup>5</sup> A study in Abuja, Nigeria, similarly suggested that 23.1% of respondents had been victims of blackmail.<sup>6</sup> Even in South Africa, where same-sex activity has been decriminalized and discrimination on the grounds of sexual orientation outlawed, a worrying 10.5% of MSM respondents reported being blackmailed in peri-urban townships outside of Cape Town.<sup>7</sup>

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3 The steps that victims of blackmail and extortion are compelled to take are often extremely difficult and disruptive. Victims have purchased homes, cars, or other expensive goods for their blackmailer, been coerced into unwanted sexual activity and virtual servitude, and have quit their jobs, dropped out of school, or fled their town, region, or country and changed their name to escape blackmail and extortion.

4 Baral, Stefan, Gift Trapence, Felistus Motimedi, Eric Umar, Scholastika Ipinge, Friedel Dausab, and Chris Beyrer, “HIV Prevalence, Risks for HIV Infection, and Human Rights Among Men Who Have Sex With Men (MSM) in Malawi, Namibia, and Botswana,” *PLoS ONE* 4.3 (2009): 4.

5 Ibid.

6 Baral, S., personal communication with author on 28 September 2010.

7 Baral, S., E. Burrell, C. Beyrer, and L.G. Bekker, “Bisexual Practices and Bisexual Concurrency Among Men Who Have Sex With Men (MSM) in Peri-Urban Cape

The prevalence and severity of blackmail and extortion are exacerbated by the fact that these are arguably among the most difficult violations to deal with through the legal system. Although blackmail and extortion are criminal, in practice, the law typically offers little protection for LGBT people who are its victims – particularly in places where police are complicit or even responsible for these violations. Where same-sex activity is criminalized, victims often fear that they will be arrested if the police are alerted to the situation. Moreover, the fact that the state is not the only or even the primary perpetrator makes it difficult to employ a human rights framework.

In response to the severity of the problem, groups across sub-Saharan Africa have begun to target blackmailers and extortionists as a priority, by both collecting data from their members and by creating networks to publicize the identities and scams of known blackmailers and extortionists.<sup>8</sup> Alongside these various efforts, IGLHRC undertook a project to document and explore the phenomena of blackmail and extortion facing LGBT people in sub-Saharan Africa. The project launched with a consultation held in Johannesburg in October 2007. For two days, a range of activists, researchers, lawyers, and community leaders gathered together to further discuss and define the problems of blackmail and extortion and the challenges in addressing them.

Prominent themes at the consultation were the lack of research into the prevalence of blackmail and extortion, the factors that facilitate the commission of these crimes, and the strategies that have successfully been used to mitigate their effects and to prevent victimization.<sup>9</sup> IGLHRC commissioned research in five countries – Cameroon, Ghana, Malawi, Nigeria, and Zimbabwe – exploring some of these questions and the effect of blackmail and extortion on the lives of LGBT

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Town, South Africa,” presented at the IAS Conference on HIV Pathology and Treatment, 19-22 July 2009.

8 See Haiku, Haute, “Africa: Preventing Blackmail and Extortion Against Gays,” *Global Voices*, 7 September 2009, <http://globalvoicesonline.org/2009/09/07/africa-blackmail-and-extortion-against-gays-in-africa/>, accessed 20 August 2010; Fakers2Go, “Gay Dating Scams in Ghana,” at <http://fakers2go.wordpress.com/>, accessed 25 August 2010; Gay and Lesbian Coalition of Kenya (GALCK), “Have You Ever Been Blackmailed?” 9 June 2010, at [http://galck.org/index.php?option=com\\_content&view=article&id=25:blackmail&catid=11:blackmail&Itemid=11](http://galck.org/index.php?option=com_content&view=article&id=25:blackmail&catid=11:blackmail&Itemid=11), accessed 23 August 2010.

9 This gap has been partially filled by the studies referenced above, but there is still very little qualitative research which specifically focuses on blackmail and extortion and the ways these affect the lives of their victims.

Africans. While this is only a small sampling of the many countries in which blackmail and extortion occur, it represents a range of socio-legal contexts in which these problems arise. The researchers looked at contexts where laws against same-sex activity vary in their scope and severity, where histories of French and British colonialism persistently shape legal systems, where religious or customary laws are recognized alongside state law, and where LGBT groups are and are not visible and active in combating blackmail and extortion. Their research is compiled in this volume, which both explores the scope of blackmail and extortion against LGBT Africans, and suggests steps that might be taken to hold perpetrators accountable and deliver justice to victims.

## **DEFINING BLACKMAIL AND EXTORTION**

Blackmail and extortion are profoundly social phenomena, and are deeply influenced by the context and web of relationships in which a person lives their life. Nonetheless, blackmail and extortion are also legal phenomena, with particular meanings and potential remedies under the law. Definitions provide a useful means to determine the ways in which blackmail and extortion are harmful, what their dynamics and nuances are, and the specific ways in which they might be deterred or addressed. Any discussion of blackmail and extortion across a variety of jurisdictions must begin with a discussion of what these crimes entail, particularly if the goal is to think critically about how they affect LGBT people across Africa.

While definitions do provide a useful starting point, definitions of blackmail and extortion differ across jurisdictions, and the relationship between the two crimes is not always clear. The crime of extortion involves obtaining money, property or services from another person through, for example, intimidation or threats of physical harm. The crime of blackmail is similar, but involves threats to disclose information that a person believes to be potentially damaging to their reputation or safety. Typically, extortion involves the threat of acts (if there is failure to comply with demands) that would be criminal in and of themselves – for example, threatening to vandalize a person's property or harm their person. By contrast, the threat to disclose information is, for the most part, not criminal per se. For example, speculating about another person's sexual orientation publicly is likely not a crime – except when the person threatening to make such a

disclosure is doing so to manipulate another person to comply with their demands.<sup>10</sup>

The distinction between the two crimes is not always clear, and differs from place to place. In many legal systems, and within this volume, blackmail and extortion are differentiated as two distinct offenses. In other systems, extortion is more expansively defined to include threats of reputational as well as physical harm, and blackmail is understood to be a subset of extortion. Regardless of how they are defined, it is widely acknowledged that the two are closely related, frequently deployed simultaneously, and very often indistinguishable. At their core, both blackmail and extortion exploit a victim's vulnerability to place them in an impossible position and restrict their options. In this volume, we focus on the threat to reveal a secret related to one's sexuality or gender – a threat which, however defined, has consequences for the victim. While particular cases may variously fall under a jurisdiction's laws on blackmail or laws on extortion, the distinction does not typically make the problem better or worse for victims, nor does it significantly alter the remedies available to them.

## THE IMPACT OF BLACKMAIL AND EXTORTION

As the contributors to this volume vividly show, blackmail and extortion have a wide variety of harmful effects on their victims and the society at large. For the individual victims, blackmail and extortion are psychologically, financially, and often physically traumatizing. They often feel they have nobody to turn to, and are intimidated and disempowered at the same time that they are stripped of their money or possessions. The strain that blackmail and extortion put on individuals as well as their relationships with others exacerbates the financial and material loss that these offences so frequently involve. As Oliver Phillips suggests in his incisive analysis of

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10 This distinction is behind a puzzle that James Lindgren has famously called “the paradox of blackmail” – the idea that it may be perfectly legal to disclose damaging information about a person, and it may be perfectly legal to make a demand for money, property, or services of that person, but it is illegal to make the former dependant on the latter. For discussions of the paradox and theories of why blackmail should remain criminal, see: Lindgren, James, “Unraveling the Paradox of Blackmail,” *Columbia Law Review* 84.3 (1984): 670-717; Gorr, Michael, “Liberalism and the Paradox of Blackmail,” *Philosophy and Public Affairs* 21.1 (1992): 43-66; the papers compiled in the *University of Pennsylvania Law Review* 141.5 (1993); Alldridge, Peter, “‘Attempted Murder of the Soul’: Blackmail, Privacy and Secrets,” *Oxford Journal of Legal Studies* 13.3 (1993): 368-387; McAdams, Richard H., “Group Norms, Gossip, and Blackmail,” *University Of Pennsylvania Law Review* 144.5 (1996): 2237-2292; and Berman, Mitchell N., “The Evidentiary Theory of Blackmail: Taking Motives Seriously,” *University of Chicago Law Review* 65.3 (1998): 795-878.

blackmail in “Blackmail in Zimbabwe: Troubling Narratives of Sexuality and Human Rights,” blackmail also deprives those involved of the ability to freely and honestly narrate their own relationships. When blackmail occurs, LGBT people are forced to narrate their relationships in such a way that they will not incriminate themselves before police, the judiciary, or the wider society.

The sheer prevalence of blackmail and extortion against LGBT people is staggering. While this has profound consequences for the victims who face these threats, there are subtle effects on the wider community that are more difficult to document and measure. Victims are often driven into increasingly desperate and untenable situations, forcing them to bribe, steal, or silence those who might disclose their secret. Whether they live in a constant state of fear and security, neglect their other commitments and relationships to appease their blackmailer or extortionist, or are forced to flee the situation to safety, blackmail and extortion make it virtually impossible for victims to fully and meaningfully contribute to society.

The secrecy and desperation involved in both offences, and the fact that they are often committed with impunity, encourages criminality and creates perverse incentives. Perpetrators are effectively being rewarded for a range of crimes that trap and manipulate their victims, including spying, entrapment, false accusations, theft, criminal coercion, withholding information from the police, and physical violence. Furthermore, blackmailers targeting LGBT people, as described in this volume, are often attempting to privately enforce legal and social mores – thus usurping the state’s power. These various factors ultimately weaken the justice system and result in a disregard for, and subversion of, the rule of law – and all of them provide a rationale for the criminalization of blackmail and extortion. Understanding the profound impact of these phenomena on society at large is important in motivating changes that will reduce vulnerability. However, to make these changes effectively and to develop a range of short-term prevention and response strategies, it is important to gain a better understanding of the dynamics of blackmail and extortion in Africa.

## **FORMS OF BLACKMAIL AND EXTORTION**

The types of blackmail described by contributors are tremendously diverse, ranging from demands for snacks and small favours to demands for cars, houses, or sex. While most cases presented here involve demands for money or possessions, this is not the only form that blackmail can take. In “Blackmail Among Gay People in Malawi,” Wiseman Chibwezo describes the story of

Samson, who is not only blackmailed by a sexual partner who demands a car for his silence, but by his wife, who finds out about the affair and threatens to publicize it unless given half of his monthly salary. Unoma Azuah's "Extortion and Blackmail of Nigerian Lesbians and Bisexual Women," describes the story of Bola, a woman who is blackmailed by a co-worker for money, blackmailed by her boss for sex and ritual favours, and is finally exposed, fired, and forced to flee to a different city anyway. Mac-Darling Cobbinah relates the experiences of Paa and K.K. in "Because of You': Blackmail and Extortion of Gay and Bisexual Men in Ghana." Both were repeatedly raped at knifepoint or gunpoint with the knowledge that the police would not help them because they are gay. From Zimbabwe, Phillips shares the story of Joe, Farai, and Tendai, who find themselves facing arrest when the police become complicit in blackmail and put their relationships under traumatic scrutiny. In these different ways, blackmailers and extortionists use the need for secrecy and lack of support to manipulate their victims – to demand money, to force them into sex, to keep them in a particular place or relationship, to force them to cut off ties with partners, friends, or families, or to perform services, including those which are unpleasant, dangerous, or even criminal.

Generally, the stories contained in this volume point to two key ways in which sexual orientation, gender identity and expression, and other aspects of sexuality increase the vulnerability of potential victims. Firstly, non-normative or transgressive sexuality itself constitutes a secret that LGBT people feel they must keep. The illegality and stigma attached to particular behaviours or identities may give victims good reason to value non-disclosure, and to go to great lengths to prevent disclosure from taking place. Secondly, sexuality limits the access of LGBT people to the police, the rule of law, and the personal and professional support networks that allow victims to cope with threats.

Most of the cases of blackmail described in this volume are based on a fear of disclosure, where victims are vulnerable because there is some aspect of their sexuality that the blackmailer threatens to disclose. Others – particularly cases of extortion – are based on a general state of vulnerability, where the threat itself may be totally unrelated to the victim's gender or sexuality, save for the fact that the perpetrator knows that the victim, as a result of their orientation or identity, will not have support if they try to stand up to the threat. Often, these overlap, with a threat to disclose some aspect of a victim's sexuality backed by the knowledge that the victim is vulnerable and lacks any capacity to stand up to the perpetrator.

## WHO IS INVOLVED IN BLACKMAIL AND EXTORTION?

The victims of blackmail and extortion whose stories are compiled here are a diverse group, and powerfully illustrate that these crimes are not limited to any one particular subset of LGBT populations. Respondents who described instances of blackmail or extortion came from many walks of life – they were gay, lesbian, bisexual, and transgender, male and female, married and unmarried, of a variety of ages, African and foreigners, and included students, professionals, artists, labourers, and people who were unemployed. The common denominator in all of the cases is simply that, as LGBT or same-sex practicing persons, the victims have reason to fear disclosure and feel that they are vulnerable and unable to access help.

Many of the chapters, however, detail the various ways that different communities might specifically be at risk. Writing in the Malawian context, Chibwezo finds that outness was a major determinant of victimization in the sample of gay and bisexual men interviewed in Malawi. Men who were married or in relationships with women were primarily concerned about their partners discovering their relationships with men, and were prepared to surrender money and material goods to avoid the possible dissolution of their marriages. By contrast, Chibwezo finds that those who were out to the most important people in their lives – particularly families – were in a significantly better position to confront blackmailers and deal with threats.

Gender also matters, shaping both how people are victimized and who they can turn to for help. Azuah shows how blackmail and extortion impact upon the lives of lesbian and bisexual women in Nigeria, who face threats from family, friends, lovers, and the people in their schools and workplaces. It is notable that the women rarely reported being targeted by police or agents of the state. Instead, they were threatened by those they knew in the private sphere, who were still able to force them to surrender money, cars, apartments, sex, and labour – and, in many instances, still disclosed their secret and forced them to flee their community.

The issue of blackmail and extortion of people living with HIV/AIDS is also a concern raised by a number of the contributors. Mac-Darling Cobbinah describes how, in Ghana, blackmailers falsely accuse their victims of infecting them with HIV or other sexually transmitted infections (STIs), and use that threat to extort them repeatedly. The blackmailers not only threatened to accuse them of participating in same-sex activity, but of infecting them with an STI. Even within LGBT communities, these

allegations can be used to leverage prejudice or stigma around HIV and STIs for the material gain of the blackmailer.

Of course, blackmail and extortion affect a much wider population than a single volume can accurately capture. None of the chapters in this volume specifically address transgender, intersex, or gender-variant individuals, who also face blackmail and extortion. The high premium that victims place on non-disclosure may be less of an issue for those whose gender expression is transgressive but public, and not a closely guarded secret. Nonetheless, transgender victims of blackmail and extortion have been targeted by police and other officials in a number of cases, particularly when they become aware of any discrepancy between their victim's gender expression and what is listed on their identification, passport, or other documentation. The laws against same-sex activity, too, can be used indiscriminately to target transgender individuals, who can face blackmail and extortion on the basis of same-sex activity whether or not those allegations are true.

While the vulnerabilities of these different groups within the larger community of LGBT people merit further research, the chapters in this volume suggest that blackmail and extortion can plausibly threaten anyone who is marginalized, whether by illegality, stigma, or a toxic combination of the two. The fear of disclosure and state of vulnerability that facilitate blackmail and extortion are not only characteristic of people who are LGBT. Blackmail can be based on real or alleged sexual orientation, but it can also be based on the revelation of one's sex, gender identity, or gender expression when these are not widely known. Blackmail can involve disclosure of the identities, numbers, or types of sexual partners a person has, as well as their serostatus or the types of sexual practices in which they engage. While the illegality and stigma attached to homosexuality may give same-sex practicing people reason to fear disclosure, it is often those who are female, poor, gender non-conforming, HIV-positive, or otherwise marginalized who have the least recourse to the police and the protection of the law.

Some of the most complex factors in the blackmail and extortion of LGBT people are class, privilege, and wealth, and this complexity is a common theme in this volume. One of the persistent beliefs that underpins and fuels blackmail and extortion is that LGBT people, particularly self-identified gays and lesbians, are affluent, if not spectacularly wealthy. In "Extortion and Blackmail on the Basis of Sexual Orientation in Africa: A Case Study from Cameroon," Charles Gueboguo and Marc Epprecht find that respondents in Douala and Yaoundé were frequently targeted because they

were perceived to possess above-average wealth, despite the fact that many were unemployed, students, or labourers. Even if some victims are affluent, this myth of affluence places significant stress on those who are not wealthy and cannot meet demands for cars, apartments, or large sums of money.

Indeed, as Phillips suggests, it may be those LGBT people who are poor and under-resourced who are, in fact, particularly vulnerable, as they lack the means to cope with blackmail and extortion threats. Poorer victims are less able and likely to access LGBT groups and support networks, to hire a lawyer or counsellor to help respond to the problem, or to file a complaint with the police and be taken seriously. Poorer victims are also less likely to be able to leave their home, either temporarily or permanently, to escape a blackmailer or police prosecution – a strategy that both Azuah and Cobbinah describe victims turning to when the pressure becomes unbearable.

The diversity of victims is important in understanding the scope of the problem, but finding practicable solutions to blackmail and extortion also requires a deeper understanding of those who perpetrate these crimes and why they do so. Arguably, one of the most difficult aspects of addressing blackmail is the wide range of people who commit it. Blackmail of LGBT people in Africa is not only committed by professional blackmailers or experienced criminals. While this does occur, the data and narratives collected in this volume illustrate that anyone can become a blackmailer, including LGBT people themselves. Victimisation is often driven by greed and the material inequalities that blackmailers perceive between themselves and their victims. But like Semakula's blackmailers in Uganda, blackmail can also be spurred by homophobia, transphobia, and the belief that LGBT people are deserving – and easy – targets. Greed exacerbates homophobia and transphobia in many of these instances, as blackmail and extortion are among the few violations against LGBT people that come with a direct monetary or material incentive.

However, given that the crux of blackmail is the need for secrecy, the perpetrators of blackmail can be virtually any person with knowledge of a secret that somebody else is desperate to keep private. In practice, LGBT people are often blackmailed by their friends, family, lovers, or any other people who know them intimately and are aware of their vulnerability. Similarly, extortion may be committed by anyone who exercises power or force over another person – this would include police and agents of the state but also teachers, employers and those who are otherwise close to the victim.

Who the victim's secret must be kept from then becomes another important factor in blackmail. In "Dealing with Blackmail – Notes from

a Zimbabwean Lawyer,” Derek Matyszak suggests that blackmailers fundamentally leverage two kinds of threats – disclosure to friends, family, neighbours, and other “intimates” in a victim’s life and disclosure to the police. In countries that criminalize same-sex activity, blackmailers frequently threaten to report their victims to the police if their demands are not met and the fear of arrest prevents victims from reporting the blackmail. When LGBT or same-sex practicing persons live in a perpetual state of criminality, the threat of exposure to the police can give the blackmailer or extortionist power even when they know next to nothing about their victim.

Essentially, blackmailers may threaten to disclose information about their victim to a wide array of people from whom their victim wishes to keep a secret for fear of disclosure being embarrassing, damaging or dangerous. This may include a victim’s family, neighbourhood, church, school, partner, employer, or friends. As long as the victim values disclosure and is willing to meet the blackmailer’s demands to prevent it, a blackmailer has the leverage necessary to make a plausible threat.

## **HOW ARE BLACKMAIL AND EXTORTION ADDRESSED?**

Across most of Africa, and in the five countries represented in this volume, there are laws against blackmail and extortion, and a victim can, theoretically, report any threats to the police. In practice, this often becomes difficult, and victims find that their recourse to the law is thwarted by a number of obstacles. Extortionists often intimidate their victims with immediate physical harm, including threats that they will kill them if they go to the police. For victims of blackmail, making a report to the police and facing the prospect of a public trial risks the very real possibility that their secret will be exposed to a much wider population. Victims risk being fired, expelled from school, or ostracized as a result of the allegations against them, even when these are very clearly being levied as part of a blackmail attempt. The problem is especially acute for populations that are criminalized under the law, for whom the risk of reporting to the police goes beyond shame and the risk of exposure to the wider community and includes the very real prospect of arrest and imprisonment. Notably, many countries have specific provisions stating that whether or not a victim of blackmail is guilty of an allegation contained in a blackmailer’s threat – for example, allegations of same-sex activity – is irrelevant to the prosecution of the blackmailer, who

should be brought to justice.<sup>11</sup> Nonetheless, police frequently ignore these aspects of the law, and open prosecutions against victims who report being blackmailed on the basis of their sexual orientation.

For a variety of reasons, the human rights framework too has been of limited utility in addressing the problem. Blackmail and extortion are typically addressed under domestic criminal law, and states bear responsibility for prosecution. Unfortunately, because perpetrators are often intimates of the victims – and the cases occur in the so-called “private” realm – states are often unable or unwilling to intervene or are reluctant to make sufficient efforts to deliver justice to LGBT or same-sex practicing people. In some instances, police and other agents of the state directly participate in blackmail and extortion – often because there are few mechanisms in place to check abuses of their power and hold them accountable. Furthermore, the secrecy and shame surrounding these crimes has made it particularly difficult for human rights defenders to report, investigate, and document them and to highlight patterns of abuse and impunity.<sup>12</sup>

The stories in this volume illustrate how these realities of blackmail and extortion against LGBT people limit the efficacy of legal remedies after the fact. It is thus critical that any attempts to address blackmail and extortion target the root causes of the crimes – that they remove both the conditions that make the crimes attractive to potential perpetrators and the barriers to support or redress for victims.

Beneath the surface of the individual cases presented in this volume lie the common roots of illegality and stigma. Historically, decriminalization has been a necessary step to curb the prevalence of sexual blackmail and extortion. With striking consistency, laws against same-sex activity around the world have been linked to the high prevalence of blackmail and extortion against LGBT people. Lawyers in the United Kingdom went so far as to dub the law criminalizing gross indecency – Section 11 of the Criminal Law Amendment Act of 1885 – “the blackmailer’s charter.” When the Wolfenden Committee was convened by Parliament to review the law in 1954, they found that Section 11 proved so detrimental to the lives of same-sex practicing men – and fostered so much corruption and criminality – that they recommended that it be repealed. This recommendation was ultimately

11 See, for example, Section 408(3e) of Nigeria’s Criminal Code Act (1990), which states that “It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.”

12 For a discussion of the human rights framework and its utility in addressing blackmail and extortion, see the Conclusion to this volume.

taken up through the 1967 Sexual Offences Act, which decriminalized same-sex activity in England and Wales.<sup>13</sup> A similar drama played out in the United States and the Union of Soviet Socialist Republics during the Cold War. Homosexuals with security clearances were seen as suspect as a result of their sexuality – thought to be not only morally or politically weak, but also more susceptible to blackmail and thus more of a security threat. Unfortunately, rather than decriminalizing homosexuality, governments typically sought to purge suspected homosexuals from their ranks, perversely increasing the precariousness of their positions.<sup>14</sup>

As these governments recognized, the criminalization of same-sex activity irreparably harmed individuals at the same time that it weakened the state and society. Although decriminalization of same-sex activity around the globe has been partly motivated by the recognition that such laws foster blackmail and extortion and entail myriad negative consequences, few people have looked at these issues in an African context, where victims of blackmail and extortion may be affected in different ways.<sup>15</sup> The stories contributed to this volume demonstrate how the impact may be amplified in places where victims depend on their families and communities for emotional and material support. In many instances, the victim not only faces a loss of money, goods, or even prestige, but also the loss of vital human relationships – with parents, children, their kin networks and communities – and the sense of safety and belonging that those relationships provide.

## RESEARCHING BLACKMAIL AND EXTORTION

The six chapters in this volume approach the blackmail and extortion of LGBT people in sub-Saharan Africa from a variety of angles – looking

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13 The law repealed the blanket prohibition of gross indecency, but preserved an unequal age of consent for homosexual and heterosexual sex that was not equalized until the Sexual Offences (Amendment) Bill was passed in 2000.

14 See, for example, Graham, Katherine, “Security Clearances for Homosexuals,” *Stanford Law Review* 25.3 (1973): 403-429; Bérubé, Allan and John D’Emilio, “The Military and Lesbians During the McCarthy Years,” *Signs* 9.4 (1984): 759-775; Johnson, David K., “Homosexual Citizens’: Washington’s Gay Community Confronts the Civil Service,” *Washington History* 6.2 (1994-1995): 44-63; Kinsman, Gary, “Character Weaknesses’ and ‘Fruit Machines’: Towards an Analysis of the Anti-Homosexual Security Campaign in the Canadian Civil Service,” *Labour/Le Travail* 35 (1995): 133-161.

15 For a helpful discussion of decriminalization and its effects in South Africa, however, see Goodman, Ryan, “Beyond the Enforcement Principle: Sodomy Laws, Social Norms, and Social Panoptics,” *California Law Review* 89.3 (2001): 643-740.

at different populations in different geographic settings, and blending a mix of methodologies and approaches to do so. The result is a glimpse into the diverse and multiple ways in which blackmail and extortion affect the lives of LGBT people – and the ways in which victims, LGBT groups, and policymakers might begin to address this persistent problem.

In the first chapter, Phillips focuses on the dynamics of two cases of blackmail and extortion in Harare. The chapter tracks how blackmail places its victims in an impossible situation – not only by exposing them to homophobic laws, but by robbing them of the agency and intimacy of their relationship as it is redefined by outsiders. Phillips incisively notes the limits of law as a response to blackmail and extortion, and foregrounds the role that social expectations play in interpreting, stigmatizing, and policing same-sex relationships.

The subsequent chapters look at survey research carried out in four different countries in sub-Saharan Africa – Nigeria, Ghana, Malawi, and Cameroon – to reveal the dynamics of blackmail and extortion and begin to formulate potential responses. In the first chapter, Azuah looks at the victimization of lesbian and bisexual women in Nigeria, noting how patriarchy increases their isolation and vulnerability and leaves them with few places to turn. Cobbinah looks at how laws and norms around sexuality have increased the vulnerability of gay and bisexual men, particularly those who are entrapped and threatened by sexual partners. Chibwezo notes the many ways in which gay and bisexual men in Malawi are victimized, particularly by people they know – and details a number of case studies where family, partners, and officials were the perpetrators. Gueboguo and Epprecht look at a rich body of survey data from LGBT people in Cameroon, blending quantitative and qualitative analysis to explore how people are victimized and how they respond.

Finally, Matyszak draws on his expertise as a lawyer affiliated with Gays and Lesbians of Zimbabwe (GALZ) to offer practical suggestions for dealing with blackmail and extortion in areas where illegality and stigma make thoughtful strategy indispensable. The chapter walks readers through the many considerations that factor into responses to blackmail, noting the potential pitfalls and the ways in which blackmailers might be tactfully – but firmly – deterred from pursuing their victims.

All of these chapters point to a number of variables which facilitate blackmail in sub-Saharan Africa. While illegality and stigma are arguably the most influential of these, the authors also tease apart the ways that inequality, isolation from a supportive community and

networks of professionals, misguided notions of justice or indebtedness, misinformation about what the law says about both homosexuality and blackmail and extortion, corruption and complicity by authorities, historical memory, nationalism, sexism, racism, colonialism, and skirmishes in the political arena all exacerbate the vulnerability of LGBT people to blackmail and extortion.

As these contributions suggest, one of the reasons that blackmail and extortion are so important to address is that these crimes sit at the crux of a number of issues. They thrive on the ideas that same-sex activity is illegal, immoral, and un-African. They are problems that profoundly affect LGBT people in their depth and breadth, but that police and judges are unable or unwilling to address domestically and that the human rights community has had a difficult time addressing internationally. They also illuminate how the well-being of LGBT people can have immediate and wide-ranging implications. As the research shows, blackmail and extortion destroy relationships, encourage greed, illegality, and suspicion, and illustrate how the criminalization of sexuality begets criminality in the form of spying, libel, slander, theft, violence, and murder. In all of these respects, the illegality and stigmatization that foster victimization are not only damaging for LGBT people, but for all Africans.

By beginning to investigate a problem that has remained invisible for far too long, the contributors to this volume lay the groundwork for future inquiries and the development of a robust research and advocacy agenda. Their research suggests that blackmail and extortion are incredibly complex and multifaceted phenomena, and that scholars and activists who are grappling with these issues have their work cut out for them. At the same time, they hint at a number of exciting possibilities for intervention that have the potential to make a meaningful difference for LGBT Africans. As this work moves forward, this volume makes it abundantly clear that substantive research and interventions addressing blackmail and extortion are urgently needed, and that human rights defenders, NGOs, and governments cannot afford to let blackmail and extortion go unaddressed any longer.

BLACKMAIL IN ZIMBABWE: TROUBING NARRATIVES OF  
SEXUALITY AND HUMAN RIGHTS

Oliver Phillips

## INTRODUCTION

Blackmail has been the steady companion of laws prohibiting same-sex sexual acts across jurisdictions,<sup>1</sup> in an association so pervasive that such laws have been labelled “a blackmailer’s charter.”<sup>2</sup> Zimbabwe is no exception to this, as even its Director of Public Prosecutions conceded that the law against homosexual acts is “the easiest, clearest and surest way of blackmail.”<sup>3</sup> Vulnerability to blackmail, however, is not the exclusive preserve of homosexuals and while, “in practice, many prosecutions concern the betrayal or threatened revelation of sexual secrets”<sup>4</sup> the leverage that enables the exertion of a menacing demand can be gained or manufactured through a wide variety of (non-sexual) means. Peter Alldridge suggests that one might usefully distinguish a threat to do something harmful from a threat to disclose some discreditable information.<sup>5</sup> In relation to this latter threat, he draws

- 1 Some indication of the ubiquity of this association of prohibition and vulnerability is offered in West, D.J. and R. Green (eds.), *Socio-legal Control of Homosexuality: A Multi-nation Comparison* (New York: Plenum, 1997), where blackmail by individuals and extortion by police are identified directly or indirectly as problems for sexual minorities in Austria (284), Bolivia (101) England (216), Syria, Lebanon, Islamic countries in North Africa (116), the Netherlands (302), Pakistan (120), Russia (239), Singapore (141), South Africa (24 and 26), and Zimbabwe (49, 52). See also Gupta, A., “Section 377 and the Dignity of Indian Homosexuals,” *Economic and Political Weekly*, 18 November 2006, 4815, 4821, for an incisive analysis of the implications of criminalization of homosexuals in India, including a discussion of blackmail.
- 2 “The Rt Hon. Earl Jowitt, Lord Chancellor of England from 1945 to 1952, made the surprising declaration that when he became attorney general in 1929 he was impressed with the fact that ‘A very large percentage of blackmail cases, nearly ninety per cent of them – were cases in which the person blackmailed had been guilty of homosexual practices with an adult person.’ The Wolfenden Report stated that of seventy-one cases of blackmail reported to the police in the years 1950–3, thirty-two were connected with homosexual activities” (West, D.J., *Homosexuality* [London: Penguin, 1968], 100). Thus, in its 1957 report, the Wolfenden Committee was able to note that the provision criminalizing homosexual acts “was frequently referred to as ‘the blackmailer’s charter’” (Moran, L.J., *The Homosexual(ity) of Law* [London: Routledge, 1996], 52).
- 3 Interview with Yunnus Omerjee, Director of Public Prosecutions, Harare, January 1993. The interview was one of many conducted as part of the research for this author’s PhD thesis: “Sexual Offences in Zimbabwe: Fetishisms of Procreation, Perversion and Individual Autonomy” (University of Cambridge, 1999).
- 4 Ashworth, A., *Principles of Criminal Law*, 5th edn (Oxford: Oxford University Press, 2006), 390.
- 5 Alldridge, P., “‘Attempted Murder of the Soul’: Blackmail, Privacy and Secrets,” *Oxford Journal of Legal Studies* 13.3 (1993): 370.

attention to the key conjunction of information and power that underlies blackmail: “The power of a secret rests with its potential revelation. Blackmail, which threatens guilt with shame by the revelation of a secret, provides an axis in the relationship between information and power.”<sup>6</sup> The main case of blackmail discussed in this paper is one where threats of both “harm” and “discreditable disclosure” were combined to exert maximum leverage for the extortionists, and yet despite the use of violence and the threat of further “harm,” as well as concerted able disclosure that prevailed throughout the entire scenario, as it was supported by so many conventional markers of guilt. This is because the victims were engaged in sexual relationships that were not only between two persons of the same sex but also transgressed conventional boundaries of race, class, and age. Fuelled with political rhetoric and received through the prism of post-colonial memories, the symbolic significance of these transgressions was so great as to render it impossible for the victims to represent their relationships in a redeeming narrative. Their effect was to exclude any claim the victims might make to “innocence,” as they cast the victims outside particular and multiple definitions of belonging in the context of the Zimbabwean state, and demonstrated how blackmail, while complicit in disguising deviance, actually relies on and reinforces conventional social relationships and sexual hierarchies.

In this paper, I am attempting neither an exegesis of the criminal law of blackmail nor a comprehensive examination of the limited data available on cases of extortion.<sup>7</sup> Rather, I focus selectively on an actual scenario to illustrate the representational dynamics that frame the articulation of sexual relationships into the realm of law. I touch on other accounts of blackmail to consider the extent to which both the criminal law and the surrounding

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6 Ibid., 368.

7 There is very little published research on blackmail in Zimbabwe, but Human Rights Watch, in *More than a Name: State-Sponsored Homophobia and Its Consequences in Southern Africa* (New York: Human Rights Watch, 2003), 92–102, offers some detailed affidavits and accounts of specific cases, while more historical but general information is offered by M. Epprecht in *Hungochani: The History of a Dissident Sexuality in Southern Africa* (Montreal: McGill-Queen’s University Press, 2004) and by Gays and Lesbians of Zimbabwe (GALZ) in *Unspoken Facts: A History of Homosexualities in Africa* (Harare, 2008). This paper draws from these sources, from confidential formal and informal interviews carried out with gay men in Harare during the years 1990–2000, and from personal observation and extensive communications with both the GALZ director and GALZ legal representative. The evident limits of these few authoritative sources and the self-selected nature of the interviews means that this research is far from a comprehensive overview of blackmail in Zimbabwe. Many of the interviews were conducted in confidentiality, and the names of those interviewees are withheld by mutual agreement.

socio-political context facilitate vulnerability to blackmail, and relate them to the scenario in considering how they all preclude the identification of particular sexual agents as victims entitled to access to justice. Clear normative parameters emerge from intersections of sexuality, race, gender, and class to shape Zimbabwean notions of desert and victimisation and to determine the attribution of guilt and innocence to sexual agency. The deliberate selection of sexual relationships that challenge conventional boundaries thus obliges us to consider whether this same tension between sexual agency and the attribution of guilt and innocence inhabits the narratives that frame access to the remedial power of human rights in general. The delivery of greater sexual agency to those subordinated or marginalised in gendered and sexual hierarchies is a precondition of equality and of effective engagement with other problems (such as the transmission of HIV, the exploitation of sex workers, violence against women, etc.). This paper therefore aims to examine the way this tension operates, by considering how their identification as active sexual agents effectively deprives of their rights those marginalised and most in need of recognition and enforcement of those very same rights.

## A CHALLENGING SCENARIO

Joe, a white professional expatriate of about 35 years old, had been living in Harare, Zimbabwe, for about seven years, working for an international development organisation and in receipt of a good salary. For about six months he lived together with a 22-year-old black Zimbabwean man named Farai. Farai was reasonably educated, occasionally employed, and, as he earned far less than Joe, he quite clearly gained materially and substantially from their cohabitation. The huge disparity in their wealth being typical of economic relations both within Zimbabwe and, in the broader global context, between their two countries of origin (Joe was from a former colonial power), they openly acknowledged it to be a factor whose difficult negotiation had brought them together.<sup>8</sup> They explicitly contrasted this with the manner in which both class and race ordinarily served to separate Zimbabweans from one another. Frustrated with the racial segregation so endemic to social existence in Harare,

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8 While the names of those concerned have been changed, the details of the scenarios described here have not been altered and are drawn from a series of informal interviews with “Joe,” “Farai,” and “Tendai” conducted in Harare between 1995 and 1997. Additional commentary is informed by my own observations of the unfolding events, email correspondence with “Joe,” and interviews of other gay men in Harare between 1991 and 1997. I also draw on the information in Human Rights Watch, *More than a Name*, 92–102.

Joe was delighted that Farai could introduce him to a Zimbabwean culture that most white people living in Zimbabwe never experienced and in which they rarely had direct participation, and similarly Farai was intrigued to learn about a European culture that was not English. In interviews they described these differences of class and race as fuelling their intimate relationship; they represented the exchanges (economic and cultural) obliged by these differences as continual investments in their mutual social and intellectual capital. They shared many other more ordinary matters of fun and friendship and their relationship was one of mutual enjoyment, so that while they were not about to swear oaths of lifelong fidelity they had fun together until they parted amicably in February/March of 1996.

On 8 May 1996, South Africa promulgated its new constitution, including its prohibition of sexual orientation discrimination. This, along with other provisions, put South Africa in the vanguard of the global recognition of sexual rights. That this is distinctive and unprecedented within a regional context was emphasised by a series of events that began for Joe and Farai that very same day in Zimbabwe. Joe opened his front door in Harare to find Farai beaten and bleeding on his doorstep. He had a deep gash in his forehead, his eyes were glazed, and heavy bruising had caused his neck and cheeks to swell. He would not look directly at Joe. Farai was not alone, but was with two men who claimed to be his brothers, though Joe had seen only one of them before. Farai did not say anything. The “brothers” asked for money to take Farai to the hospital, which Joe, genuinely concerned, unhesitatingly gave. He wanted to accompany them, but they insisted it was not necessary and politely suggested that it might be better if he did not. A day later, the two men returned without Farai, asking for money to take Farai out of town because he was in danger, giving an elaborate story involving witchcraft, gruesome physical harm, and a lack of money. Joe refused, as they were asking for a lot of money, and he suspected that he was being deceived in some way. Two hours later, a man carrying a “press card,” identifying him as a journalist working for a local press agency, visited Joe. He did not want to give Joe too many details but claimed that Farai had told him “a story about Joe and Farai” that he was going to publish in the national press and that he wanted to check a few details with Joe. He made it clear that he expected Joe to pay him some money. Joe took the “journalist’s” name and card number, threatened to sue him if he published any unfounded material, reminded him that blackmail was against the law, and demanded the name of his superior at the newspaper. Later, two other men visited Joe, making

numerous threats to his physical safety, and Joe refused to talk to them. On this occasion, Joe's references to lawyers and human rights organisations and his stubborn resistance kept the extortionists at bay, but he nevertheless spent the following months anxious that they might reappear and fearful for the well-being of Farai, who seemed to have disappeared without trace. Farai's family disapproved strongly of his homosexuality and Joe suspected that one of the men involved was actually a relative of Farai's, so it was unlikely that he would seek shelter with them. In fact, Farai had managed to escape his captors and take refuge in another part of the country. He decided it was safer not to stay in touch with Joe, and he only reappeared in Harare two years later, by which time Joe's contract was over and he had left the country.

Meanwhile, some months after this initial incident, Joe met another young man called Tendai – they established a relationship gradually and Tendai came to live with Joe. However, in May 1997, they both found themselves caught up in the middle of a second attempt to extort money from Joe. It comprised essentially the same elements, but this time there was considerably more violence, serious damage to property (at both Joe's home and, to the alarm of his colleagues, at the office), and the antagonists included a couple of policemen rather than a journalist. This also meant that Tendai and Joe each spent some time being held in a police station – Tendai being physically pressured to provide evidence against Joe, who in turn was threatened with charges for homosexual offences entailing imprisonment. They both had the clear impression that the initial intention was not to put either of them in jail but to extort as much money as possible from the situation, to indulge a fairly straightforward desire to kick the inherently dissident queers about, and a more historically rooted desire to invert the usual racial power dynamics by causing fear and pain to a relatively rich white man. Ironically, the involvement of the police, while initially more intimidating, provided Joe with an opportunity to draw on more formal structures and resources. He contacted the legal representative of the Gays and Lesbians of Zimbabwe (GALZ), whose considerable experience in dealing with these matters meant that slowly and gently he managed to extricate both Joe and Tendai from the situation. Such a clear-cut conclusion was unusual, and was in reality attributable to their refusal to confess to any illegal activities and Joe's access to good legal, material, and political resources on account of his social and economic capital. While details of this account are accurate, names have been changed to protect the identity of those involved. I have chosen to focus on this particular scenario because some of

the parties involved confided in me over the entire course of its unfolding, and because its details bring to the fore the key axes of information/power/narrative and sexuality/rights/innocence that are the subject of this paper. Furthermore, it will become clear that while no homosexual relationship can have conventional legitimacy in the Zimbabwean government's prescriptive cultural scenario,<sup>9</sup> the relationships of Joe, Farai, and Tendai also challenge assumptions of suitability in terms of race, economic class, and, to some extent, age, and so preclude exculpatory narratives of innocence on multiple grounds. For Joe, his access to resources (including a highly educated articulacy) could not overcome one dynamic that he experienced as a great source of frustration for some time afterwards: his inability, within the Zimbabwean discursive field, to represent these relationships as worthy of respect rather than censure. In interviews with the author, he repeatedly expressed great frustration at the impossibility of narrating these stories without invoking signifiers that determinedly attributed blame and censure to himself, Farai, or Tendai, or all three of them (depending on the listener). To understand this fully, and to analyse the scenario properly, it is necessary to locate the key discursive signifiers that produced this effect, through an overview of pertinent elements of the cultural and socio-political context.

## SEX, POWER, AND AN INVITATION TO BLACKMAIL

Our ability to resist the intrusion of public structures and assert the pleasure of our own desire or, more pertinently, our ability to reject an uninvited proposition tends to be a crude but effective measure of our broader social power. It is this which locates sex and pleasure within the realm of political struggle, whether articulated in terms of class, race, or gender, as has been highlighted in recent years by failed attempts to prevent the transmission of HIV.<sup>10</sup> Young women in Southern Africa are

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9 Traditional culture actually allows far more space and possibilities for same-sex sexual relations than is reflected in the absolutist statements of Mugabe and other senior Zimbabwean politicians. Their vehement adherence to a binary conception of homo/heterosexuality is a further importation of the Western conceptualisations of sexuality that came with colonial law and Christianity to supplant the "traditional" cultural regulation of sexual behaviours: see Phillips, O., "Constituting the Global Gay: Individual Subjectivity and Sexuality in Southern Africa," in *Sexuality in the Legal Arena*, ed. C. Stychin and D. Herman (London: Athlone Press, 2000), 17; Murray, S. and W. Roscoe (eds.), *Boy Wives and Female Husbands: Studies in African Homosexualities* (New York: St Martin's Press, 1998). Marc Epprecht's *Hungochani* makes clear that the history of same-sex sexual relations in Zimbabwe is far more complex, accommodating, and fluid than simply prohibitory; see also GALZ, *Unspoken Facts*.

10 See Akeroyd, A., "Coercion, Constraints and 'Cultural Entrapments': A Further

disproportionately vulnerable to HIV/AIDS as their cultural and socio-economic powerlessness become key vectors of infection.<sup>11</sup> It has become clear that the capacity to negotiate safe sex is a key factor among other economic and social conditions determining vulnerability to infection.<sup>12</sup> And just as our ability to negotiate safe sex depends on access to power within our intimate relationships, so are our capacities to fulfil desires and experience sexual pleasure, or to resist pressure and refuse sexual advances, all mediated by our access to power in broader social relationships.<sup>13</sup>

Clear illustrations of the way in which sexual relations are symbolic of broader social relations abound in both colonial historiographies and post-colonial narratives of sexual relations. The Ndebele rebellion in Southern Rhodesia in 1896 and the Zulu rebellion in 1906 both included explicit grievances about the British treatment of Ndebele and Zulu women,<sup>14</sup> but soon thereafter the 1906 Immorality Act in Southern Rhodesia imposed serious penalties for any sexual contact between a black man and a white woman. Both parties were subject to punishment, including the death penalty for rape or attempted rape, but there was no legal constraint at all on white men's relations with black women and it is clear that the colonial authorities declined to prosecute white men known to be forcing their attentions on black women.<sup>15</sup> Not for the first time, women's bodies served as the terrain on which specific hierarchies of sexuality and race were mapped out. Such overt privileging of race and gender combined with other legal and historical developments in the colonial context to produce a particular post-colonial

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Look at Gendered and Occupational Factors Pertinent to the Transmission of HIV in Africa," in *HIV & AIDS in Africa: Beyond Epidemiology*, ed. E. Kalipeni, S. Craddock, J. Oppong, and J. Ghosh (London: Blackwell, 2004), 89.

- 11 Kalipeni, E., S. Craddock, and J. Ghosh, "Mapping the AIDS Pandemic: The Geographical Progression of HIV in Eastern and Southern Africa," in *HIV & AIDS in Africa: Beyond Epidemiology*, ed. E. Kalipeni, S. Craddock, J. Oppong, and J. Ghosh (London: Blackwell, 2004), 58; Schoepf, B.G., "AIDS in Africa: Structure, Agency, and Risk," in *HIV & AIDS in Africa: Beyond Epidemiology*, ed. E. Kalipeni, S. Craddock, J. Oppong, and J. Ghosh (London: Blackwell, 2004), 121.
- 12 Lurie, P., P. Hintzen, and R. Lowe, "Socioeconomic Obstacles to HIV Prevention and Treatment in Developing Countries," in *HIV & AIDS in Africa: Beyond Epidemiology*, ed. E. Kalipeni, S. Craddock, J. Oppong, and J. Ghosh (London: Blackwell, 2004), 209.
- 13 Schoepf, "AIDS in Africa."
- 14 Hyam, R., "Empire and Sexual Opportunity," *Journal of Imperial and Commonwealth History* 14 (1986): 36.
- 15 See Phillips, "Sexual Offences in Zimbabwe," 111–32; see also Jeater, D., *Marriage, Perversion and Power: The Construction of Moral Discourse in Southern Rhodesia 1894–1930* (Oxford: Clarendon Press, 1993), 90; Pape, J., "Black and White: 'The Perils of Sex' in Colonial Zimbabwe," *Journal of Southern African Studies* 16.4 (1990): 699.

legacy. Zimbabwean women's challenges to patriarchal structures have thus led feminism to be characterised by the ruling party as a "new form of cultural imperialism"<sup>16</sup> with sexuality, hetero-normativity, and gendered identity being increasingly invested as determinants of national culture.<sup>17</sup> In building a national identity, culture's explicitly historical and social construction is concealed and it is instead reified through dogmas and then romanticised to serve this ideological function more effectively.<sup>18</sup> Such dogmatic proclamations of "traditional culture" aim to pre-empt critical attempts to historicise "culture" and invariably serve to corroborate the conceit that culture has an organic origin whose definition is untouched by political interference.<sup>19</sup> They also mask the real difficulties that beset the Zimbabwean state's approach to culture and that arise out of a particular post-colonial dynamic. This dynamic consists of a tension between asserting, on one hand, a "traditional" lineage-based culture that prioritises interests presented as collective and is invoked through claims to group rights and ethnic sovereignty, and, on the other hand, the political culture of a "modern" nation-state where individual autonomous citizens are entitled to rights of equality that are construed as universal and guaranteed by numerous international conventions that the state has ratified.<sup>20</sup> John Comaroff explains that the continuing prevalence of these contradictory registers of primal sovereignty and radical individualism derives from the colonial discourse of rights, which created "ethnic subjects, racinated and

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16 Seidman, G., "Women in Zimbabwe: Post-independence Struggles," *Feminist Studies* 10.3 (1984): 432.

17 See Phillips, O., "Zimbabwean Law and the Production of a White Man's Disease," *Social & Legal Studies* 6.4 (1997): 471; Hoad, N., "Tradition, Modernity, and Human Rights: An Interrogation of Contemporary Gay and Lesbian Rights' Claims in Southern African Nationalist Discourses," *Development Update* 2.2 (1998): 32; see also Alexander, J., "Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas," in *Sexualities and Society: A Reader*, ed. J. Weeks, J. Holland, and M. Waites (Cambridge, UK: Polity Press, 2003), 174.

18 Aarmo, M., "How Homosexuality Became 'Un-African': The Case of Zimbabwe," in *Female Desires: Same-Sex Relations and Transgender Practices Across Cultures*, ed. E. Blackwood and S. Wieringa (New York: Columbia University Press, 1999), 255.

19 For a critical conceptualisation of the role of "tradition" in culture, see E. Hobsbawm and T. Ranger (eds.), *The Invention of Tradition* (Cambridge, UK: Canto Press, 1991); for work that draws on Hobsbawm and Ranger to examine the interaction of "tradition" and "sexuality" in Zimbabwe, see Phillips, "Sexual Offences in Zimbabwe"; idem, "Constituting the Global Gay."

20 The international instruments that Zimbabwe has ratified include the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Racial Discrimination.

recast in an often antagonistic dialectic of construction and negation.”<sup>21</sup>

Early initiatives by the colonial state to protect young girls from marriage and prohibit marriage without consent began a shift from lineage membership to state regulation, giving women’s rights “priority over the rights of the lineage [and] usurping the rights of family heads to control the sexual choices of members of their households and lineages.”<sup>22</sup> However, arguably the most significant shift from the power of the patriarch to the rights and obligations of an individual citizen was the enactment of the 1982 Legal Age of Majority Act by the post-colonial government. This conferred the possibility of legal personhood on all Zimbabweans upon reaching the age of 18, so that black women were no longer to be perpetual minors constantly under the guardianship of a man (unless they chose to remain so). Yet since then the government’s commitment to gender equality has been demonstrably inconsistent, vacillating between first empowering and then restraining women, between a devotion to traditional family structures of customary law and the pressure to recognise citizens as individuals with rights in relation to the state.<sup>23</sup> Zimbabwean contests around sexuality and gender therefore serve as a direct reflection of this ambivalence towards the contradictory registers of primal sovereignty and radical individualism. A woman’s ability to choose her partner goes to the heart of this, for under customary law marriage entails the transfer of a bridewealth payment (*lobola*) from the groom to the bride’s male guardian (father, brother, uncle, etc.). Thus, if a woman declares herself to be a lesbian who will not marry and gain *lobola*, her brothers will have fewer resources with which to secure the wives whom they themselves desire. A woman’s declaration of lesbianism therefore represents a challenge to the normative patriarchal structures of lineage, to the economic base of reproductive culture, and to the status of those men to whom she is supposed to owe allegiance. It is not just a symbolic challenge but a declaration that has significant economic and social consequences. At the same time, it is clear that a woman’s ability to choose her partner and have autonomous ownership of her sexuality is fundamental to her recognition as a fully entitled legal subject.

21 Comaroff, J., “The Discourse of Rights in Colonial South Africa: Subjectivity, Sovereignty, Modernity,” in *Identities, Politics and Rights*, ed. A. Sarat and T.R. Kearns (Ann Arbor: University of Michigan Press, 1997), 234.

22 Jeater, *Marriage, Perversion and Power*, 81.

23 See Phillips, O.C., “(Dis)Continuities of Custom in Zimbabwe and South Africa: The Implications for Gendered and Sexual Rights,” *Health and Human Rights* 7.2 (2004): 82.

It is this real conflict that allows homosexuality to be so convincingly characterised as contrary to Zimbabwean culture. But it is also the static notion of a reified culture functioning as ideology and the recognition of sexual relations as an indicator of social power that are manifest in the rhetoric of Robert Mugabe and other senior government officials when they have repeatedly defined homosexuality as anti-Zimbabwean and “whitewashed” it as a “sickness” imported by white settlers.<sup>24</sup> Mugabe has frequently referred to homosexuality as a threat to the moral fabric of society; he berated “sodomists” for “behaving worse than dogs and pigs”<sup>25</sup> and proclaimed a return to “traditional” culture, saying, “We have our own culture, and we must rededicate ourselves to our traditional values that make us human beings.”<sup>26</sup> This vituperation is evidence of attempts to reject homosexual behaviour as extrinsic to Zimbabwean culture, relying on the notion that it “is mainly done by whites and is alien to the Zimbabwean society in general.”<sup>27</sup> This was amplified through repeated use of the metaphor of homosexuality as a white man’s disease infecting the African nation’s virtuous heterosexual inclination. This portrayal of such a confluence of racial and sexual degeneration was intended to carry the twin implications that, first, white Western “culture” is depraved, as it corrupts other cultures with the “evil” practice of homosexuality, and, second, homosexuals must be white, as they are, by definition, “depraved.” Thus, the signifier of homosexuality is used to denounce “white culture,” and the colouring of homosexuals as white is used to denounce them as non-Zimbabwean.<sup>28</sup> This emphatic approach has the effect of sublimating the fluidity of the performative identities that characterise the post-colonial and reinforcing artificial but rigid boundaries of difference through the rhetoric of anti-imperialism. Homosexuality has been represented as a danger that is specifically anti-Zimbabwean and anti-African to the extent that Zimbabweans have been incited to arrest homosexuals “and hand them over to the police.”<sup>29</sup> The danger that homosexuals represent is realised in the social proximity of black Zimbabweans who identify as gay or lesbian. Their self-declared presence in Zimbabwean civil society signifies that the “other” is now an “insider”

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24 See Phillips, “Zimbabwean Law and the Production of a White Man’s Disease.”

25 *The Herald* (Harare), 12 August 1995.

26 *The Citizen* (Johannesburg), 12 August 1995.

27 Robert Mugabe in GALZ Newsletter 11 (1994): 13.

28 Phillips, “Zimbabwean Law and the Production of a White Man’s Disease.”

29 Robert Mugabe in Dunton, C. and M. Palmberg, “Human Rights and Homosexuality in Southern Africa,” *Current African Issues*, 2nd edn (Uppsala, Sweden: Nordiska Afrika Institut, 1996), 12–13.

and highlights the artificiality of government's emphatic boundaries of culture and difference.<sup>30</sup> More directly, having homosexuals "inside" local culture suggests a threat to traditional structures of power, as they make moral demands for respect and equality and thereby expose the supposedly "natural" confluence of sexuality and race, as well as the boundaries of culture, to be constructed and challengeable. This challenge to normative assumptions of familiarity and difference supplies the foundation for the development of what Gail Mason appropriately terms a "collective hate" of the dangerous homosexual.<sup>31</sup> The much-repeated invective against homosexuality has arguably served as an invitation for patriotic Zimbabweans to intervene in the intimate relationships of anyone suspected of being a homosexual. It has given licence to any plan for enrichment gestating in the mind of a potential extortionist, and in the 1990s it seemed clear that it had produced real effects. As well as calling for their apprehension, Mugabe proclaimed that homosexuals should not "have any rights at all"<sup>32</sup> and his ministers have supported him by, among other things, calling homosexuals "the festering finger" to be "eradicated," "chopped off," and "kept separate."<sup>33</sup> These (and other similar) public statements were all made in 1995 and 1996, and in the years following there appears to have been a marked increase in incidents of extortion and blackmail aimed at persons on account of their sexual orientation.<sup>34</sup> This is despite the fact that extortion is treated as a more serious offence in Zimbabwean law than consensual homosexual acts.<sup>35</sup> It suggests that these comments were understood by some Zimbabweans as an invitation to find ways of harassing and excluding the

30 Bhabha, H.K. (ed.), *Nation and Narration* (London: Routledge, 1990); Dollimore, J., *Sexual Dissidence: Augustine to Wilde, Freud to Foucault* (Oxford: Clarendon Press, 1991).

31 Mason, G., "Being Hated: Stranger or Familiar?," *Social & Legal Studies* 14.4 (2005): 586.

32 Robert Mugabe, Opening Speech and Press Conference, Zimbabwe International Book Fair (ZIBF), Harare, 1 August 1995.

33 Mudariki MP, Chigwedere MP, and Gezi, MP, "The Evil and Iniquitous Practice of Homosexuality and Lesbianism," *Zimbabwe Parliamentary Debates*, Hansard, 28 September 1995, 2779.

34 The experience of the legal representative of GALZ as well as the Director of GALZ was that the number increased (D. Matyzsak and K. Goddard, personal communication). It is impossible to ever know the exact number of incidents, as the nature of extortion is such that it operates most effectively on those who are most reluctant to tell anyone of their predicament, so there are likely to be a significant number of incidents that have not come to the attention of GALZ officers.

35 Section 134 of the Criminal Law Codification and Reform Act stipulates that blackmail carries a level 13 fine (the second-highest tariff) or twice the value of the property extorted or a maximum of 15 years' imprisonment, or both a fine and imprisonment. Section 73(1) of the Sexual Offences Act 2006 stipulates that any consensual sexual acts between men (up to and including anal penetration) carry a level 14 fine (the highest tariff) but one year's imprisonment.

homosexual from the social body, while they were internalised by others as confirmation that any homosexual tendency, as the embodiment of treason, must be excluded from oneself.

Arguably, the rhetoric of politicians merely provides a pretext for acts of extortion that are essentially motivated by greed and opportunism, as a genuinely homophobic nationalism may well lead protagonists to violence but would also oblige them to hand their victims over to the state. However, a successful blackmailer requires their threat of disclosure to remain as a threat, and to profit from their act they must collude with the victims to keep their relationship secret, thereby allowing them to remain within the collective body and participating (for profit) in the intimacy that so dangerously threatens the nation. This should mean that blackmail cannot be legitimised as a service to the integrity of the Zimbabwean state and the preservation of its distinct moral order. Yet cases of blackmail did appear to increase subsequent to the rhetorical flourishes of Mugabe and his government, suggesting that their vocal homophobia served at least as a pretext for opportunists, and at most as a justificatory device that had particular post-colonial resonance. Moreover, this surge in blackmail suggests that theoretical constructs of consistency and ideology have less individual purchase than expedience and opportunism in a context where money is in demand and wanting. The additional involvement of police in this context supports the suggestion by Les Moran that “the blackmailer takes up the position of the agent of the law in order to better realize the law’s concerns: to unleash a terror against that which is forbidden and to punish that which is forbidden in the name of good order [and to] mimic the legitimate use of terror as a practice through which to produce a particular social order.”<sup>36</sup> In fact, these shared motivations can also obscure the distinction between law’s legitimate authority and the illegitimate terror of the blackmailer, particularly for those police officers who choose to extract money while simultaneously claiming to secure national purity. Even if limited to a single officer acting unofficially, any suggestion of police support for the blackmailer brings far closer the immediate terror of legal threat, delivering a corresponding growth in authority and pressure, which is possibly why there are so many accounts of police complicity in blackmail across many jurisdictions.<sup>37</sup>

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36 Moran, *The Homosexual(ity) of Law*, 56.

37 Ibid., 52, stresses that this was the subject of numerous submissions to the Wolfenden Committee; see also West and Green, *Socio-legal Control of Homosexuality*, 126–8; Hyde, H.M., *The Other Love: An Historical and Contemporary Survey of Homosexuality in Britain* (London: Heinemann, 1970), 255. For examples of police complicity in other jurisdictions, see T. Wright and R. Wright, “Bolivia: Developing a Gay Community, Homosexuality and AIDS,” in *Socio-legal Control of Homosexuality: A Multi-nation Comparison*, ed. D.J. West

Evidence in Zimbabwe suggests that the complicity of police in blackmail schemes has in the past been sporadic rather than predictable, as there are officers who have tried on occasion to be helpful, but it is also clear that in other situations they have themselves been implicated in the process of extortion.<sup>38</sup>

## BLACKMAIL IN GENERAL

In Zimbabwe the readiness of certain police officers to profit from a case of extortion that comes to their attention means that victims are reluctant to report the offence, as to do so significantly increases the likelihood of their own arrest and may compound the pressure on them to hand over even more money. There are numerous instances where the police have become actively involved in the extortion, often seeking to displace the original extortionist or to obtain a share of the money being extorted.<sup>39</sup> In some cases, the police have actively sought out gay men and lesbians on their own initiative for the purpose of extortion. Extortion can also take place obliquely in instances where gay men or lesbians are the victims of theft or violence, and the perpetrator threatens to allege the commission of a homosexual offence if a complaint of theft or violence is made against him or her to the police. In numerous instances where the victims did make reports to the police, notwithstanding these threats, the gay or lesbian victims were arrested on the basis of the perpetrators' allegations and held in custody despite a lack of evidence. Some attempts were dropped where lawyers intervened, and the presence of a lawyer experienced in dealing with blackmail appears to offer the best possibility of extrication for the victim, but few in Zimbabwe can afford access to legal representation. In 2003, an average of one case of extortion per month was brought to the attention of the Gays and Lesbians of Zimbabwe, and

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and R. Green (New York, Plenum, 1997), 101; Murray, S., and B. Khan, "Pakistan," in *Socio-legal Control of Homosexuality: A Multi-nation Comparison*, ed. D.J. West and R. Green (New York, Plenum, 1997), 120; Kon, I., "Russia," in *Socio-legal Control of Homosexuality: A Multi-nation Comparison*, ed. D.J. West and R. Green (New York, Plenum, 1997), 239.

38 For detailed affidavits of extortion and accounts of police complicity, see Human Rights Watch, *More than a Name*, 92–102.

39 In a typical case described to this author (confidential interview), the police refused to assist a victim who had money and a mobile phone extracted from him under threat of physical violence (the victim had refused to yield to the threat of a false accusation of demanding oral sex at gunpoint). The threats took place in the presence of the police, and the extortionist demanded that a total of Z\$70,000 be paid to him (about US\$100 at the time of the original incident). Initially a police officer sought to "negotiate a sum" between the two parties, but when the victim refused to part with any money a police case file ("docket") was opened against the victim, who was then threatened with arrest for homosexual activities.

the police were actively involved in approximately half of these either in collaboration with the extortionist or on their own account.<sup>40</sup>

What makes these attempts at extortion particularly difficult to challenge is the fact that they involve intimate sexual relationships that are against the law and their unacceptability is being constantly and publicly reiterated. Regardless of whether the allegations levelled against him are false or not, the victim accused of a homosexual act is therefore discredited from the beginning and invariably has to start from a position where his guilt is presumed. But the burden of all the baggage that such an accusation carries goes beyond the lack of a presumption of innocence to undermine the victim's credibility in general. Prosecutions for either extortion or for homosexual sex frequently rely on the conflicting testimony of the parties involved, and thus often come down to the question of which witness is the most credible in a scenario where the truth has no place; the truth will invariably be contrary to the needs of all those involved – blackmailer, victim, and profiteering police officer – ensuring that it is excluded from all accounts. In many cases, the extortionist claims to be a heterosexual who was propositioned or seduced by a homosexual.<sup>41</sup> Such a claim automatically invests the extortionist with the innocence of a victim whose “normal” life is interrupted by the predatory homosexual, who in turn is positioned as both interfering stranger and “offender”: “The sexual stranger is feared as the potential perpetrator of unimaginable crimes... but the hatred generated by this fear means that it is the same ‘stranger’ who ultimately becomes the victim of discrimination, abuse and violence... because he/she is unknown, unknowable, and, hence, dangerous.”<sup>42</sup> Homosexuality is thus construed as good justification for extortion, and while the courts might eventually dismiss the charges for lack of evidence the procedures leading up to trial present individual police officers, prosecutors, and the initial extortionists with plenty of opportunities to intimidate the target and relieve him or her of money or goods.

Evidence from Zimbabwe makes clear that those who are open about their sexual orientation continue to be subject to, and may even become more visible targets for, blackmail, especially when the law continues to prohibit the acts of which extortionists might (even spuriously) accuse them. The removal of secrecy does not diminish the possibilities for blackmail,<sup>43</sup> as,

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40 D. Matyszak, legal representative of GALZ, personal communication.

41 Human Rights Watch, *More than a Name*, 92–102.

42 Mason, “Being Hated,” 590.

43 This is clear from my own interviews with many Zimbabwean gay men over the years, but also see Human Rights Watch, *More than a Name*, 92–102.

actively identifying as the “dangerous outsider,” the victim “is imbued with a collective familiarity that allows him/her to be recognized by the perpetrator as a suitable target in the first place.”<sup>44</sup> Similarly, decriminalisation of consensual homosexual acts might be expected to remove the vulnerability to blackmail of homosexuals, but this is not easy to establish with any reliability. Alldridge suggests that blackmail and its contribution to the growth of criminality was “a principal reason for the enactment of the Sexual Offences Act 1967” in England, and, recognising that decriminalising consensual homosexual acts between adults might be expected to engender an increase in the reporting of blackmail to the police, he surmises that the exceptional decline in reported instances of blackmail in the year following decriminalisation is “something of a vindication.”<sup>45</sup> However, research by Donald West suggests that any such decline was countered by the continuation of police strategies to obtain confessions of guilt based on harassment and intimidation of gay men, including the failure to investigate their complaints of criminal victimisation, and threats to disclose their sexual orientation to family or employer.<sup>46</sup>

Furthermore, Les Moran presents evidence from as late as the 1990s to show that blackmail persists in England “in forms similar to those practiced before the Wolfenden review.”<sup>47</sup> The failure of English law reform in 1967 to ensure these practices disappeared is undoubtedly related to the fact that the reform was limited to decriminalising consensual sexual acts in private between men over the age of 21. Maintaining an unequal age of consent and the restriction to private space immediately limited the remit of the reform, such that a number of gay men still found themselves in conflict with the law. This incomplete decriminalisation therefore failed to provide any complete obliteration of recorded instances of blackmail, and, although those limits to reform have since been overcome,<sup>48</sup> the particular sensitivities of blackmail will always make it difficult to establish accurately its reduction let alone extinction. It is trite to say that blackmail will be most inviting where there are both a criminally prohibited act and an interpersonal need for secrecy, but it is precisely this conjunction of criminality and secrecy that makes blackmail an offence so notoriously difficult to report or record,

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44 Mason, “Being Hated,” 600.

45 Alldridge, “Attempted Murder of the Soul,” 376.

46 West, D.J., *Sexual Victimization: Two Recent Researches into Sex Problems and their Social Effects* (London: Gower, 1987), 126–7.

47 Moran, *The Homosexual(ity) of Law*, 58.

48 The Sexual Offences (Amendment) Act 2000 (c. 44) finally brought into law an equal age of consent of 16 years old for homosexual and heterosexual acts.

and so impossible to reflect with any accuracy in statistics. Nevertheless, one might logically expect that where there is neither a criminal act nor an element of secrecy, there should be some diminution in the possibilities for blackmail. The fact that this diminution is not so complete as to render blackmail obsolete for homosexuals is arguably a reflection of the broader, more social (as opposed to legal) limits to same-sex rights and equality which constitute discourses of sexual difference and exclusion. Blackmail therefore appears to attach itself most commonly to deviance that invites either social censure or criminal sanction, and preferably both. In Zimbabwe the context is considerably ripened by representations of homosexuality as “dangerous,” as well as a lack of police accountability and a corruption so endemic that police operate easily outside the constraints of the law.

Furthermore, despite the underlying motivation of greed, falling victim to extortion is not the preserve of the wealthy, as is made clear by the small amount of some of the sums extorted. Arguably, it is a victim’s social vulnerability that makes him or her most susceptible to exploitation. While victims with less economic or social capital cannot give a large payment, they may well be more amenable to smaller pressures to pay or to deliver alternative services on a more regular basis. Accounts from Zimbabwe certainly suggest that wealth is more likely to provide victims with the resources (such as legal advice) required to protect themselves from threats of extortion, compared with those with fewer resources, who have fewer options but to succumb. Indeed, the pressure can be disproportionately greater, and more acutely manipulated, where there are fewer resources with which to negotiate a release. This makes it clear that it is fallacious to consider blackmail or extortion as revolutionary, and it is untenable to suggest that it may have some excusable merit as an exercise in redistribution where disparities of wealth are unjust. Similarly, Alldridge argues against the suggestion that laws against blackmail operate “to protect a particular class of people (people with money, who care about their reputations) from those whom in the normal course of events their privileged position makes them immune,” as it cannot account for the range of victims or the linguistic and historical dynamics of blackmail’s legal prohibition.<sup>49</sup> Far from inverting structured relationships of economic power, it explicitly relies on them and ultimately works to reinforce them through the need to sustain the non-disclosure of secrets.

The number of black homosexuals who have fallen victim to extortion also makes clear that the government’s attempts to “whitewash” homosexuality have not precluded their victimisation; instead they become pivotal in signifying

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49 Alldridge, “Attempted Murder of the Soul,” 373.

the danger that “outsiders” represent to “insiders.” The accusation that they are adopting “white” or “Western” identities that have no place in Zimbabwe remains common, along with the presumption that black homosexuals must have been corrupted by a white person. Indeed, where an inter-racial same-sex couple is identified, it is invariably assumed that the white partner has bought the love and attention of the black partner, who is only in the relationship for material gain. This is directly attributable to the discourse of homosexuality as a “white disease,” as it fails to allow for any real same-sex desire on the part of the black partner and suggests a callous power manipulation on the part of the white partner. It offers an explanation whose credibility is rooted in long histories of racial disparities in wealth, sexual exploitation, and relationships of labour wherein black Zimbabweans lacked agency. These memories produce particular discursive tropes that dominate the representation of the relationships between Joe and Farai and Tendai, as they are forced to tell the story of their relationships in terms other than their own, contradicting their own perceptions of what they have developed together. Their intimacy must now be described and explained for the public audience, in terms that match audience expectations. The scripts of the participants, the exigencies of the desires that formed the basis of the relationships, become rapidly invisible, and their own definitions of their relationships are eclipsed. Their intimacy is, in fact, overpowered, as its narration automatically divests it of the quality that makes it intimate.

### **ASCENDANT NARRATIVES AND THE DENIAL OF INNOCENCE**

Intimacy may well be defined as the point at which one attempts to isolate the private from the public.<sup>50</sup> Simon and Gagnon dissect the interaction of private and public as refracted across three levels:

Cultural scenarios are the instructional guides that exist at the level of collective life . . . as systems of signs and symbols through which the requirements and practice of specific roles are given . . . The

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50 In the South African Constitutional Court case of *National Coalition for Gay and Lesbian Equality v. Minister of Justice*, CCT 11/98, this approach was explicitly adopted by Justice Albie Sachs in his ruling that the offence of sodomy in South Africa was unconstitutional because it violated a person’s rights to equality, dignity, and privacy (para. 30), stating that “[p]rivacy recognises that we all have a right to a sphere of private intimacy and autonomy which allows us to establish and nurture human relationships without interference from the outside community. The way in which we give expression to our sexuality is at the core of this area of private intimacy” (para. 32).

possibility of a lack of congruence between the abstract scenario and the concrete situation must be resolved by the creation of interpersonal scripts. This is a process that transforms the social actor from being exclusively an actor to being a partial scriptwriter or adapter shaping the materials of relevant cultural scenarios into scripts for behaviour in particular contexts. Interpersonal scripting is the mechanism through which appropriate identities are made congruent with desired expectations.

Where complexities, conflicts, and/or ambiguities become endemic at the level of cultural scenarios, much greater demands are placed on the actor than can be met by interpersonal scripts alone . . . intrapsychic scripting creates fantasy in a rich sense of that word: the symbolic reorganization of reality in ways to more fully realize the actor's many-layered and sometimes multi-voiced wishes. Intrapsychic scripting becomes a historical necessity, as a private world of wishes and desires that are experienced as originating in the deepest recesses of the self must be bound to social life: individual desires are linked to social meanings. Desire is not reducible to an appetite, an instinct; it does not create the self, rather it is part of the process of the creation of the self.<sup>51</sup>

Along with Simon and Gagnon's interpersonal scripts, intimacy might be seen as the process through which we attempt to negotiate a balance of our private feelings, with the intrusion of public institutions, and the way we represent this all to the world at large. Consequently, it is situated in the same axis of information and power that Alldridge identifies as the location of blackmail, for both intimacy and blackmail engage in the trading of secrets and the power and prerogative of their revelation. The particular way in which blackmail "provides an axis in the relationship between information and power"<sup>52</sup> in the scenario of Joe, Farai, and Tendai both relies on and reinforces the disparities between their intrapersonal scripts and the cultural scenario.

The first thing to note about the blackmailing of Joe, Farai, and Tendai is that the cultural scenario rendered it impossible to inscribe innocence into the narratives of their interpersonal scripts. They were

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51 Simon, W., and J.H. Gagnon, "Sexual Scripts," in *Culture, Society and Sexuality: A Reader*, ed. R. Parker and P. Aggleton, 2nd edn (New York and London: Routledge, 2007), 31.

52 Alldridge, "Attempted Murder of the Soul," 368.

targeted because, according to the Zimbabwean cultural scenario, Farai and Tendai could not claim to be innocent unless they represented the nature of their relationship with Joe in such a way as to describe Joe as the rich white older man who had taken advantage of their naivete and poverty. Such a representation would not only reaffirm Mugabe's characterisation of homosexuality as imperialist corruption, but would also confirm that Farai and Tendai were not really homosexuals who threatened to corrupt the integrity of the nation, but were true Zimbabweans who had been corrupted on account of their youth and the economic disadvantages that are the legacy of colonialism. On one hand, the blackmailers' greed is rationalised as extending the redistributive economic benefits beyond Farai or Tendai to a wider circle of people who are intervening to prevent the continuing corruption. On the other hand, this representation of Farai and Tendai serves to simultaneously recall and distance the danger of the homosexual threat, reaffirming that it is still present but locating it outside the bounds of culture and the nation, so that it is both excluded and without any claim to moral proximity. This is reaffirmed by Joe's representation as the European man who has to buy the cooperation of young local men with his wealth. But despite its offer of repentance, and perhaps because of the rationalisation it offered the blackmailers, this was a representation that both Tendai and Farai resisted vehemently.

This also illustrates how the description and understanding of the relationships were altered when their intimacy was interrupted by the extortionists. First Farai and Joe, and then Tendai and Joe lost control of the narrative, the ability to define what it was that they had, and so, in many ways, ownership of the relationship, since it came to be defined by others. The public signifiers of difference (age, class, race) that had been integral to their desire now became a means of defining their relationship as problematic and impossible. Both Farai and Tendai are of Shona ethnicity, and Joe had been specifically interested in this aspect of their identity; an explicit part of the attraction was that he was gaining close experience of Shona culture, about which most white people in Zimbabwe remain ignorant even though it is the pre-dominant ethnicity in Zimbabwe. He was learning a lot from Farai and Tendai about Zimbabwe and what it meant to live as a Zimbabwean, rather than just how to live as a white expatriate, in isolated bourgeois splendour. This was very important to him, and it was an explicit part of his interest in Farai and Tendai. They in turn were openly drawn to Joe's whiteness (rendered more exotic by the fact that he was not English), his wealth, his

open challenge to conventional politics and relations of race, sex, and class, and the prestige of his lifestyle, which was still youthful enough to include all the trappings of a global gay youth culture – music, fashion, designer labels, technology, and electrical boys’ toys. This is not as superficial as it may at first seem, as these are the accessories of a lifestyle that included the possibility of travelling out of Zimbabwe, broadening the general parameters of their horizons, networking with other well-resourced people, and continually investing in their own intellectual, social, and political capital. While these were important factors in their relationships, there was also a more basic physical desire and camaraderie that cannot be easily quantified, but which was fuelled by the exceptionality of inter-racial homosexual relationships in Zimbabwe. All of these are the sort of things negotiated in establishing the interpersonal scripts of many intimate relationships in any context, as they constitute the fabric through which two persons establish that they share a commonality, that there is compatibility, that they are interested enough in one another to invest in exploring their bond further.

However, once the relationship is being discussed in the public domain, the cultural scenario through which their relationship is judged obscures these interpersonal scripts, and it is defined by collective understandings of how race, sex, class, and gender intersect. A colonial history redolent with the unpunished sexual exploitation of Zimbabwean men and women as well as the more general manipulation of disproportionate economic power determines a definition of inter-racial sex as exploitation from which Farai and Tendai seem powerless to escape.<sup>53</sup> Furthermore, the homosexuality of their relationship ensures that any discussion in public fora will have as initial reference points the definitions and castigations handed down by Mugabe and other Zimbabwean public figures, which represent the specific characteristics of this relationship as the epitome of cultural and moral danger, both individual and national. Any violence or even profiteering directed at this relationship can then be easily rationalised as justifiable and, indeed, an honourable service in defence of the post-colonial state. And while honourable service in defence of the purity of the post-colonial state might theoretically require the delivery of homosexuals to the police, evidence clearly suggests that in practice this does not preclude the simultaneous handing over of money, the police often colluding to place additional pressures on the victims.

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53 For more on this history of sexual exploitation in colonial Zimbabwe, see Jeater, *Marriage, Perversion and Power*; Phillips, “Sexual Offences in Zimbabwe”; Pape, “Black and White.”

The homophobic context that facilitates these incidents and the cultural scenario through which their interpersonal scripts are distorted have the effect of regularly and repeatedly undermining the self-esteem of gay men and lesbians living within it, regardless of their class and race. It is a complex entanglement of internalisation, resistance, desire, denial, and abuse that surrounds and structures the relationships, and then makes them difficult to sustain, even within race or class. Some accounts of extortion, whether detailed in Human Rights Watch's reports<sup>54</sup> or discussed with this author, do not involve a third party but are often suggested to be the result of disagreements within a relationship, or the act of someone unsure or ambivalent about or even disturbed by their sexual orientation. The emotional and psychological damage that is incurred simply by living in such a virulently homophobic context is evident in the difficulties that many encounter in developing trust and maintaining intimate relationships.<sup>55</sup> It is this insecurity that allows extortionists to prosper and is in turn cultivated and magnified by their activities, for extortion simultaneously draws upon and reinforces a social order where secrecy and invisibility thrive and where these characteristics come to embody a vulnerability that is psychological, physical (violence and injury), and physiological (HIV and greater risk of infection). The inability to articulate consensual intimate relationships in a narrative that has public credibility is the basis not only for extortion, but also for ignorance. This interferes with work done to prevent transmission of HIV, as there is strong disincentive to identify one's own behaviour to be homosexual and even greater disincentive to then identify oneself as homosexual.<sup>56</sup> Furthermore, we have seen how the secrecy on which blackmail depends is reinforced by the silencing that a perceived absence of innocence foists upon its victims. This silencing renders ever more audible the legitimating discourse of blackmailers, thereby lending credence to their claim to be "punishing the forbidden in the name of good order,"<sup>57</sup> while it renders ever more secretive the victims' own intrapsychic and interpersonal scripts, obscuring them further beneath the prescriptive narrative of the cultural scenario.

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54 Human Rights Watch, *More than a Name*, 92–102.

55 GALZ, *Unspoken Facts*, 4, 213.

56 Phillips, O.C., "The Invisible Presence of Homosexuality: Implications for HIV/AIDS and Rights in Southern Africa," in *HIV & AIDS in Africa: Beyond Epidemiology*, ed. E. Kalpeni, S. Craddock, J. Oppong, and J. Ghosh (London: Blackwell, 2004), 155; see also Johnson, C.A., *Off the Map: How HIV/AIDS Programming Is Failing Same-Sex Practicing People in Africa* (New York: International Gay and Lesbian Human Rights Commission, 2007).

57 Moran, *The Homosexual(ity) of Law*, 56.

Thus, the noisy rhetoric that licenses anti-homosexual violence produces a nexus of information and power that emphasises the homosexual's "guilt" and reinforces their vulnerability to blackmail, while simultaneously rendering impossible the representation of interpersonal homosexual scripts as plausible or acceptable, making them once more "unspeakable." Blackmail works to silence the homosexual at two levels. First, blackmail inhibits sexual activity, as it aims to terrorise the disruptive body of the homosexual into an acquiescent silence. Second, through amplifying those narratives that signify shame and disorder, the homosexual's agency in representing his or her own negotiated intimacy is increasingly constrained, and ultimately silenced:

At best the silence that is connected to the homosexual in order to make its sense and nonsense is a requirement and an effect of the technologies of its production. This silence forms a part of the very mechanics of incitement and production that generate the homosexual in law. This requirement of silence is a prerequisite, generating a requirement to speak about the male genital body. As such, silence is indispensable to the proliferating economy of the discourse on this homosexual of the law. Through the principle of silence (and invisibility) that is installed in the machinery of policing is made the necessity of elaborate police practices and procedures to extract the truth of sex through the technique of surveillance and confession...

So those police practices formally dedicated to diminishing homosexual practices have been implicated in producing their increased social visibility.<sup>58</sup>

As an axis of information and power, blackmail filters narratives and silence to produce a particular "truth" about the homosexual, whereby law's agents (whether accredited or self-appointed) reaffirm the key signifiers of the cultural scenario by revealing the homosexual's supposed inner core, that which is represented as a secret self, and by implication a "true" identity. But when a relationship becomes subject to scrutiny through the threat of blackmail, its "truth" is primarily represented through strategic negotiation rather than confession on the part of the victims, and interpolation by others. This means that the "truth" of its secrets is

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58 Ibid., 166–7.

actually obscured, as the threats and contesting narratives remove it ever farther from the real experience and control of the person or persons supposedly at its heart. While extortion threatens to expose the secretive, it actually aims to preserve it through reinvention. Extortion prioritises the public structures of identity over any personal investment in intimacy which the partners in the relationship may have made, reaffirming those structures through the carefully managed (non-)disclosure of significantly interpolated “secrets.”

## CONCLUSION: THE RELEVANCE OF RIGHTS

The centrality of sex makes it extremely difficult to describe these relationships in such a way that the narrative can offer up the clearly identifiable “victims” and “offenders” that are of strategic value in a petition for human rights. Carole Vance and Alice Miller have suggested that making claims around specifically sexual rights is exceptionally difficult, as claims to human rights tend to rely on narratives that invoke representations of innocence and victimisation, and accounts of sex outside marriage invariably contradict conventional notions of innocence.<sup>59</sup> It is clear that the ideal candidate for a rights test case is someone whose “innocence” is indisputable and whose situation is beyond reproach. Yet “innocence” is clearly a tag that has specifically gendered application, such that women’s active sexual agency tends to preclude its attribution. In some contexts “innocence” does not even extend to women exercising sexual agency within marriage, but more commonly it precludes women’s sexual agency outside marriage; whereas men’s sexual agency tends to be valorised regardless of marriage, and tends to invite censure when its threat to heteronormative structures is not contained (invisibly) within the private realm.<sup>60</sup> These are broad generalisations, but it remains the case that the further one gets from Gayle Rubin’s charmed circle of “Good, Normal, Natural, Blessed” behaviour

59 Carole Vance and Alice Miller first suggested this at a panel on “Sexuality and Rights: Questions, Challenges, and Ways Forward” at the 16th World Congress of Sexology, Havana, 10–14 March 2003. For more on this, see Miller, A. and C. Vance, “Sexuality, Human Rights and Health,” *Health and Human Rights* 7.2 (2004): 5; Miller, A., “Sexuality, Violence against Women, and Human Rights: Women Make Demands and Ladies Get Protection,” *Health and Human Rights* 7.2 (2004): 16.

60 For a further exploration of this gendered regulation of sexuality and hetero-normative space, see Millbank, J., “A Preoccupation with Perversion: The British Response to Refugee Claims on the Basis of Sexual Orientation 1989–2003,” *Social & Legal Studies* 14.1 (2005): 115; see also Henderson, E., “‘I’d Rather Be an Outlaw’: Identity, Activism and Decriminalisation in Tasmania,” in *Sexuality in the Legal Arena*, ed. C. Stychin and D. Herman (London: Athlone Press, 2000), 35.

that represents the pinnacle of sexual hierarchies, the more remote is the conventional ascription of “innocence.”<sup>61</sup>

Relationships of intimacy necessarily involve the strategic balancing of private desires and public structures. They are therefore partly constituted through the exercise of discretion as to when to disclose which secrets and to whom (whether to each other or to others). Such decisions reflect the paradox of an autonomy that is inherently relational, and remind us that the task of drawing these difficult boundaries between private prerogative and public proscription attaches to any rational, rights-bearing legal subject in a social setting, as it is a key aspect of agency. However, this becomes considerably more complicated in the very difficult scenarios that frequently lie behind extortion, as they rarely invoke a simple bipolar narrative of victim and abuser. The key elements of power and vulnerability in sexual blackmail invariably arise from complex relationships that breach such moulds of convention as orientation, fidelity, or legality possibly in conjunction with the transgressing of other social divisions (such as race and class in the case of Joe, Farai, and Tendai). It is the location of these relationships outside of marriage and procreation that initially deprives them of a notional innocence and a measure of control over the narratives that claim to speak their “truth” in the proliferating discourse of sex. And just as sexuality has come to represent an inner truth in a post-colonial society dependent on an ever-narrowing construction of national identity, so blackmail serves to castigate anew the dissident queer.<sup>62</sup> It completes the homosexual’s exclusion from the realm of dignity, a concept that arguably underlies rights and equality but which simultaneously threatens to reproduce the social respectability that adheres to Rubin’s “charmed circle” dominating the landscape of sexual

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61 For a full explanation of this hierarchical model of sexual behaviours and their social regulation, see Rubin, G., “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality,” in *Pleasure and Danger: Exploring Female Sexuality*, ed. C. Vance (London: Routledge & Kegan Paul, 1984), 267.

62 In 1999, Keith Goddard, the openly gay convenor of GALZ, found himself subjected to blackmail attempts. Having successfully liaised with the Zimbabwe Republic Police (ZRP) in the past, he took all three of the threatening letters to the ZRP so that they could carry out a proper investigation. While they did arrest the blackmailer, who was convicted of extortion, the police also charged Goddard with “forcible sodomy,” even though there was no evidence to support such a charge and the allegations were so implausible as to be patently spurious. In 2004, the Attorney General finally conceded that the charges were baseless, but the police continued to threaten spurious prosecution as a means to intimidate the organisation and to pressure the administrator of GALZ. Thus, despite the evident fabrication of the threatening narrative, it prevails in the introduction of the issue into law, persistently infringing Goddard’s dignity.

hierarchies.<sup>63</sup> Yet, Justice Albie Sachs of the Constitutional Court of South Africa clearly associates dignity with substantive equality:

The manner in which discrimination is experienced on grounds of race or sex or religion or disability varies considerably – there is difference in difference. The commonality that unites them all is the injury to dignity imposed upon people as a consequence of their belonging to certain groups. Dignity in the context of equality has to be understood in this light. The focus on dignity results in emphasis being placed simultaneously on context, impact and the point of view of the affected persons. Such focus is in fact the guarantor of substantive as opposed to formal equality.

...In the case of gays, history and experience teach us that the scarring comes not from poverty or powerlessness, but from invisibility. It is the tainting of desire, it is the attribution of perversity and shame to spontaneous bodily affection, it is the prohibition of the expression of love, it is the denial of full moral citizenship in society because you are what you are, that impinges on the dignity and self-worth of a group.<sup>64</sup>

Blackmail does bring about precisely these effects – it taints desire and removes dignity. It frequently leaves the victim of the extortion feeling guilty, as they believe that they have precipitated this threat through their own stupidity or recklessness, and that they are therefore to blame. Yet blackmail inevitably removes dignity and clarity because by necessity it must involve situations that are messy, that contain moral ambivalence, that are drawn from a complicated history of desire and betrayal in which there are no angels. As

63 For more on Rubin’s “charmed circle” and sexual hierarchies, see Rubin, “Thinking Sex.” But on the place of “dignity” in human rights see Howard, R.E., “Dignity, Community, and Human Rights,” in *An-Nā'im, A.A. (ed.), Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press, 1992), 81. Howard argues that the concept of dignity is often achieved through conformity and adherence to social values and customs; in other words, it reflects the moral worth of a person living in an unequal and hierarchical society, whereas human rights are an egalitarian means for allocating membership in a collectivity to each individual regardless of status. Howard argues that human rights are modern, individualist, and liberal while concepts of dignity and justice can be traced through all societies; she suggests that they can be used to buttress human rights but should not be confused with human rights.

64 National Coalition for Gay and Lesbian Equality v. Minister of Justice, CCT 11/98, per Sachs J., paras 126–7.

life is without angels, this messy complexity is unavoidable. It does, however, mean that it is not possible to gloss over the difficulties, to resolve the issue by marking out an innocent person for salvation and a villain for penitence, before delivering up some comforting moral absolutes. For this lack of a clear solution and a clean resolution is symptomatic of the almost total subjugation of “truth” in the strategic narratives that arise in response to the threat of harm or disclosure, and in response to the disruption of the interpersonal scripts of the people involved, and as a result of the manipulation of information and power in order to simply extract value, rather than produce something anew. This analysis of blackmail therefore highlights a tension that exists between our treatment of sexuality and our treatment of rights. However implicit or explicit, the expectation of innocence in the narrative of rights claims confronts us with immediate practical difficulties, as it demands that we start from a seriously disabling position, for, as suggested by Vance and Miller, the propriety associated with conventional definitions of innocence tends to preclude the exercising of sexual agency and autonomy.<sup>65</sup> Publicly articulating and then exercising sexual desires, particularly outside marriage, brings private sexual relations into the public sphere and makes it very hard to claim innocence, thereby obstructing an easy claim to rights.

It is unlikely and probably undesirable that we should be able to detach sexuality from any notion of innocence and guilt, but we do need to reconfigure the relationship so that innocence/guilt attaches to issues of harm and autonomy rather than morality or social value. We need to be clear that sex does not inherently besmirch innocence and that sex is not in itself corrupting, in order to develop a relationship between sexuality and rights that values equality and autonomy as suitable frames for agency. This critical reconfiguration of sexuality and notions of guilt/innocence establishes a more effective platform from which to combat sexual violence and the transmission of HIV; being alert to issues of agency and autonomy, it should also foster the experience of sexuality as pleasure. The specific limitations that restrain the development of sexual rights in the international sphere suggest that this conventional requirement of innocence involves an implicit refusal of sexual agency which is a key obstacle to the association of rights and sexuality in many cultural contexts.<sup>66</sup>

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65 Miller and Vance, “Sexuality, Human Rights and Health”; Miller, “Sexuality, Violence against Women and Human Rights.”

66 A useful illustration of this is the South African Constitutional Court’s unanimous decision that the continued prohibition of sex work was consistent with the constitutional rights to privacy, dignity, freedom, security of the person, and economic activity, and that the decriminalisation thereof was a matter for the legislature rather

It is therefore unsurprising that law reform in any part of the world cannot on its own stop the practice of blackmail. So long as there is still shame and indiscretion to pave its way the decriminalisation of homosexuality in Zimbabwe or elsewhere is unlikely to extinguish sexual minorities' vulnerability to extortion. The incidents that I have described here came to our knowledge because the victims identified as homosexual in as open a manner as was possible in a context where same-sex sexual acts were and remain criminal. It is the law that produced their initial vulnerability while the accompanying rhetoric then advertised the opportunities to profit from that vulnerability. Proper application of rights due Zimbabwean citizens under international law prohibits criminalisation of consensual sexual conduct between males<sup>67</sup> and might pre-empt the law's initiatory role in this opportunism. This suggests that an appropriate way to start challenging this situation is for homosexuals in Zimbabwe to claim the human rights due them, but that can only be the start. Whatever the practical obstacles of making such a claim (including the question of making the Zimbabwean government responsive to a finding against them), it seems unquestionable in principle that those Zimbabweans targeted for extortion on account of consensual same-sex sexual conduct should be able to rely on a context that recognises human rights as fostering some protection. Yet, the evidence in this paper suggests that the reality of extortion is far more complicated, making this possibility seem ever more remote, and reminding us of the limits of law as an instrument for securing agency. Rather, the law represents one terrain through which broader discursive battles might be fought – so that while the realm of law might be an initial platform for producing or challenging extortionate practices, it is only one part of a far bigger discursive realm in which these relations are given life.

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than the Constitutional Court (*S v. Jordan*, 2002 [11] BCLR 1117 [SC]). Insofar as the Court's denial of sex workers' rights reaffirmed their criminality and vulnerability, it also marked out the acceptable limits of sexual agency and failed to dislodge a discourse of morality for one of harm reduction and workers' rights. The Court's exceptionally cautious and restrained approach towards its law-making role and the unanimity of its decision suggested that sex-workers' "innocence" was so remote that even this august rights-oriented body could not bridge their divide from legitimate entitlement.

67 In May 1991, Zimbabwe acceded to the International Covenant on Civil and Political Rights binding on the country since August 1991. *Toonen v. Australia*, 1(3) IHRR 97 (1994), made clear that laws prohibiting consensual sexual conduct between male adults violate Article 26 of the Covenant. The United Nations Human Rights Committee specifically requested that Zimbabwe reverse its treatment of homosexual conduct with appropriate legislation in its Consideration of Reports Submitted by States Parties under Article 40 to the Covenant, CCPR/C/74/Add.3, HRI/CORE/1/Add.55, 26 March 1998.

## EXTORTION AND BLACKMAIL OF NIGERIAN LESBIANS AND BISEXUAL WOMEN

Unoma Azuah

Extortion and blackmail are fundamental realities of homosexual life in Nigeria. While both men and women are victimized under the oppressive, patriarchal systems that reign in Nigeria, they are targeted in distinct ways. In this chapter, I look at the particular vulnerability of lesbian and bisexual women in Nigeria, noting how they are singled out for extortion and blackmail and the grave consequences this has in their lives.

Patriarchy is in large part responsible for hostility toward homosexuality in Nigeria. Chimaroke O. Izugbara has argued that norms around sexuality in Nigeria “are socially produced and fed by oppressive patriarchal subjectivities and ideologies that try to instill a sense of what is normal, sexually-speaking, for us all.”<sup>1</sup> Homosexuality is one of the strongest challenges to patriarchy, and therefore “is framed as an unruly force which threatens humanity at large and has to be kept perfectly under control, by violence, if necessary.”<sup>2</sup> While different strategies are used to control homosexuality, all of them reinforce patriarchal power.

One way that male homosexuality is suppressed is through the law. Under Section 214 of Nigeria’s Criminal Code Act, any person who “has carnal knowledge of any person against the order of nature” may be imprisoned for up to fourteen years – and under Section 215, anyone who attempts to do so may find themselves imprisoned for up to seven years. Section 217 criminalizes an even broader category of “gross indecency” between males, punishing offenders with up to three years in prison.

While these laws are silent on female homosexuality, they still serve to police same-sex activity between women and stifle lesbian and bisexual organizing. Moreover, the laws of Nigeria are not the only means of controlling sexuality, and lesbian and bisexual women must also deal with customary and religious laws that dictate and limit their behavior. In those northern states which have adopted Sharia, both male and female homosexuality have been outlawed, with death as the maximum penalty for male homosexuality and whipping or imprisonment as the

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1 Izugbara, Chimaroke O., “Patriarchal Ideology and Discourses of Sexuality in Nigeria” (Lagos, Nigeria: Africa Regional Sexuality Resource Center, 2004).

2 Ibid.

maximum penalty for female homosexuality.<sup>3</sup> The strong legal, religious, and social prohibitions of homosexuality empower families, neighbors, and communities to police gender norms among homosexual men and women – and allow practices like extortion and blackmail to flourish.

Generally, extortion and blackmail is especially common in the male homosexual community. This is because homosexual men in Nigeria more publicly transgress gender norms, especially the belief that men should be dominant over submissive women. By rejecting the privilege enjoyed by heterosexual men, homosexual men represent a visible threat to patriarchal values and the sexual ideologies they support.

While lesbianism is more tolerated than male homosexuality, a significant number of Nigerian lesbians and bisexual women are also targets of extortion and blackmail. Like their male counterparts, they also break the rules of their patriarchal community. They tend to be independent of men and therefore step outside of the boundaries of their traditional roles. Extortion and blackmail become weapons of choice for those who police female homosexuality, and are routinely used to punish and silence lesbians and bisexual women who transgress the social order.

In this policing, the extortion and blackmail experienced by Nigerian lesbians and bisexual women are not limited to demands for monetary payments alone. Some women are forced to grant sexual favours or run dangerous errands for extortionists and blackmailers. A substantial number of lesbian and bisexual women are forced to accept and live with the exploitation they face because of their sexual orientation. A few Nigerian lesbian and bisexual women make the difficult choice to quit their jobs in those instances where their bosses threaten to fire them if they do not satisfy their demands. There are others – though not many – who come out to put a stop to the extortion or blackmail, face ostracism and hostility, and are often compelled or forced to move to new cities and change their names and identities.

Interviews with lesbian and bisexual women reveal a range of forms of extortion and blackmail that they face. To further explore the issues of extortion and blackmail in Nigeria, I traveled to ten cities – Lagos, Benin, Kaduna, Asaba, Port Harcourt, Enugu, Abuja, Warri, Ibadan, and Makurdi – and interviewed twenty-five lesbians and bisexual women about

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3 The states which have adopted Sharia law are Bauchi (2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000). See Ottosson, Daniel. *State-Sponsored Homophobia* (Brussels, Belgium: International Lesbian and Gay Association, May 2010): 17.

the demands they had faced and how they had dealt with them. Women who self-identified as bisexual constituted a greater portion of the sample than those who self-identified as lesbians. Others called themselves married lesbians, because they were lesbians but felt they needed to marry men to maintain social respectability or to have children, as they did not want to have children out of wedlock. The interviewees were primarily reached through the networks and resources of LGBT groups in Nigeria.

Issues of confidentiality, safety, and secrecy posed a number of obstacles during the research process. Some of the interviewees who had agreed to meet with me declined to be interviewed at the last minute, and when I called to find out why they changed their minds, many of them voiced concerns about their safety. Even when I requested that we speak over the phone so they would not have to meet me in person, they were not comfortable enough to speak with me. It often took multiple calls and reassurances before I could convince them that I would not reveal their identity and would respect their confidentiality. Others asked that I interview them in the presence of a close friend or an LGBT activist with whom they were already familiar. The hesitation that lesbian and bisexual women felt in sharing their experiences was further complicated by the usual difficulties of doing multi-sited research – for example, when the vehicles I took broke down on my way to meet interviewees or when I had to wait for days in a city just to accommodate the interviewee's schedule or their readiness or willingness to speak. The difficulty women had talking about their experiences hints at the deeply personal and traumatic ways that extortion and blackmail affect lesbian and bisexual lives.

The interviews reflected certain patterns, and for the purposes of this chapter, I divide the interviewees into five groups based on the kinds of extortion and blackmail they experienced. I consider the dynamics of extortion and blackmail in the workplace, in the family, by friends, by other lesbian and bisexual women, and in schools.

In the workplace, women were subject to extortion and blackmail from co-workers and employers alike. Discussions of partners or families are difficult to avoid in many workplaces, and lesbian and bisexual women use a variety of tactics to avoid talking about their relationships with other women. The discretion they exercise can be used against them, however, when a co-worker or employer learns about their personal life. The workplace is a particularly difficult place to deal with these kinds of threats, as lesbian and bisexual women typically rely on their jobs for their

survival. In areas where unemployment is high, losing a job is a serious matter – particularly if the blackmailer threatens to publicly disclose the victim’s sexual orientation, making it difficult or impossible to find further employment elsewhere. As a result, lesbian and bisexual interviewees went to great lengths to keep their jobs. Six of the lesbians interviewed had to regularly compensate their co-workers to keep them from disclosing the fact that they are lesbians. Two lesbians ended up accepting their bosses’ constant sexual requests, even though they were ultimately forced to quit their jobs when the pressure became unmanageable for them.

In the family, the consequences of extortion and blackmail are emotional as well as material. Four of the lesbians interviewed were blackmailed by their parents, who demanded that they give them their salaries or dictated what they did with their money – for example, one woman was forced to buy her father a car, while another had to borrow money and go into debt in order to buy her mother a house. In these instances, family members not only threatened to disown or expel their lesbian and bisexual wives, daughters, or sisters, but used these threats for their own material gain. The sense that one is being taken advantage of can be as painful for victims as the threats themselves.

Other interviewees were almost in tears as they shared how some of their closest friends had extorted and blackmailed them with information about their sexual orientation or their relationships. The intimacy of close friendships can make extortion and blackmail particularly painful, as secrets shared in confidence are used for threats and manipulation. Like family, acts of extortion and blackmail by friends are not merely about the loss of material possessions, but about the sense of abandonment or betrayal that the victim also suffers.

A fourth theme was the vulnerability of bisexual women to extortion and blackmail by other women. The eight bisexual women who were interviewed did not want to be “outed” to their families – especially to their husbands. As one of the interviewees commented, their lesbian lovers had them “wrapped around their fingers,” and made constant demands for money or gifts. In many instances, they were held emotionally and materially hostage by their lesbian lovers. In a number of instances, they also didn’t want to lose those lovers, putting them in a difficult position when they were forced to choose between the important relationships in their lives.

The five high school students who were interviewed had similar stories of being blackmailed by their classmates or bunk mates because they were

caught in compromising positions with their female lovers or were careless with their love letters. They discussed having to give money, belongings, or their food to avoid being publicly exposed in the school assembly. When a school principal was told that students had female lovers, they were punished by administrators – for example, they were lashed with several strokes from a cane, suspended, or expelled from school. Whether they were expelled from school or simply taken advantage of, extortion and blackmail in schools interfered with the education of the victims – an effect with lifelong consequences.

In this chapter, I focus on five of the women's narratives which were representative of the above categories. These women did not give their real names and are presented as Bola, Efe, Gimbiya, Moreni, and Franca. While the experiences of these women differ, all of them suggest that extortion and blackmail put lesbian and bisexual women in compromising and often impossible positions, and are a serious problem for these women in Nigeria.

### **EXTORTION AND BLACKMAIL IN THE WORKPLACE: BOLA'S STORY**

Bola was a high school teacher in Warri who was out to only a few of her close friends and some of her trusted siblings. She was blackmailed by a co-worker, Mercy, who met her one morning with printed copies of email exchanges between Bola and her lover. Mercy let her know that such “sinful” acts were enough to get her fired. Bola pleaded with Mercy to tell her how she got hold of the email, and was told that she had forgotten to uncheck the box that tells the program to “keep signed on for two weeks.”

Bola asked for forgiveness with a promise to end her homosexual activity and relationships. Mercy, however, did not care whether Bola changed her lifestyle. She was more interested in the money she could get from her. Mercy asked Bola to give her a percentage of her salary so that they could both keep the secret of her sexuality between themselves. Bola was able to plead with her to take a monthly payment of 10,000 naira. After five months, Mercy approached Bola demanding an increased payment, saying she needed extra money for a family emergency. Bola refused, and Mercy gave the email exchange to their boss.

Her boss invited her to his office, grinning. Bola was surprised that instead of being fired, her boss's first question was, “how do you people do it?” He proposed to Bola that she invite her lover for a threesome with him. Bola refused, but apologized to him for her homosexuality and asked him for a second chance, promising that she would change. He kept grinning and told her to show him how she does it with her lover, since

she was not willing to participate in a *ménage a trois*. The meeting led to a series of demands for sexual favours that lasted for months.

Eventually, Bola sent in her resignation letter. Her boss was enraged, and threatened to post her email exchanges on major notice boards around the school. Bola was deterred from resigning by the threat that she would be publicly exposed to the school and the community, and continued with the favours.

Soon, Bola's boss came up with another duty. He instructed her to start picking up fetish objects from a witch doctor and sprinkling them around the school premises as a way of increasing enrollment for the school. Bola knew she could be hurt by the ritual potency of the fetish objects, especially if she missed following the exact directions. She refused, and finally left the school.

Later, some of her co-workers informed her that their boss posted her email exchanges with her lover on the notice board. A good number of them stopped speaking to her, as word spread that she practiced homosexuality. Even her family was stigmatised, since almost everybody around her heard about the scandal. Bola left town, assumed a new name, and started a new life in Lagos. Looking back on her experience, she says, "if I didn't have the option of starting all over again, I would have killed myself."

Bola shared that she has friends who faced the same predicament. Some told her that they ignored the threats and nothing came out of it. Bola, however, was not willing to ignore her boss's threat. She didn't want to be "outed" to the wider community, but she also needed the job. She also didn't have the courage to challenge her boss to carry out his threats. Bola's story also illustrates how difficult it is to prevent extortion and blackmail from escalating, with perpetrators taking advantage of their power to make increasingly difficult demands. Bola's payments to her coworker did not stop the blackmail – instead, the demands escalated, and turned into further demands for sexual favours and then ritual practices from her employer. In the end, the money and sexual favours that Bola used to keep her coworker and boss silent were useless, as both of them ultimately went through with their threats and exposed her secret.

### **EXTORTION AND BLACKMAIL BY THE FAMILY: EFE'S STORY**

Efe was with her lover in her bedroom when her mother stumbled upon them. As Efe and her partner scrambled up to frantically search for their clothes, Efe's mother stood at the door transfixed in disbelief, then began bawling as her daughter's lover hurried off.

Efe initially tried to deny her sexuality, telling her mother that she and her friend had decided to sleep naked and were only fooling around when she walked in on them. Her mother did not believe her. Consequently, Efe was forced to come out to her mother, and told her that she was a lesbian.

Efe's mother stopped speaking to her, and this went on for days. When Efe continued to apologize, she suggested that Efe should go with her to meet the pastor of her church, who would deliver her from her demonic lifestyle. When Efe maintained that she was not going to see any pastor and did not need any kind of deliverance, her mother broke down and cried again. Efe finally agreed to comply with her mother's request.

At the deliverance, the pastor told her that in order for her to forsake her devilish lifestyle, she needed to prepare her mind and be willing to renounce the devil. He asked her to close her eyes while he prayed over her, and she complied. Soon, the prayers reached a point where the pastor started pressing hard on Efe's head. He began to push and shove her around, commanding the spirit of lesbianism to come out and flee from her life. When Efe pleaded with him to stop the pushing and shoving and told him that he was making her uncomfortable, the pastor's response was that her feeling of discomfort meant that his prayers were taking effect. He pushed and shoved her even harder, attempting to cast out the spirit of lesbianism. Efe bore it all, but when he asked her to strip for the next round of prayers, she got up and promptly left the deliverance.

When she reported what had happened to her mother, her mother refused to believe her. Instead, she accused Efe of telling lies about the pastor as a way to escape deliverance from her evil lifestyle. She stopped speaking to Efe, lamenting that she would not know how to live with the fact that her only daughter would not give her a son-in-law or a grandchild. Efe's mother suggested that her daughter would have to find a way to play the role a son-in-law would have played for her, and that would include spoiling her and granting as many of her requests as possible.

Soon, Efe's mother began to suggest that Efe should find other ways to compensate her for depriving her of one of the joys of motherhood, and indicated that a house in one of the best neighborhoods in town would be an appropriate gift. Eventually, Efe took out a loan and bought her the house. As Efe recalls, "I was shocked that even my own mother would go to such lengths to rip me off. For what? Because I am not normal, as she says, so I am paying her for my abnormality."

Efe recognized that her mother was taking advantage of the situation for her own gain, but felt obligated to comply with the request. Nonetheless, she said that she did not see herself granting her mother's requests or demands indefinitely. She hoped the situation would get to a point where she would have supplied her mother enough money and gifts to keep her satisfied. Nonetheless, Efe also expressed worry that if her mother was not satisfied, she could not afford to keep supporting her in this manner, and she was not sure what would happen then.

### **EXTORTION AND BLACKMAIL BY FRIENDS: GIMBIYA'S STORY**

Gimbiya is a hair dresser in Kaduna. Because of mounting pressure on her to get married, she arranged for a male friend, Ayo, to pose as her boyfriend. Ayo became suspicious about the role-playing, and wondered why Gimbiya had not wanted to date him in the first place. When Ayo asked her about the situation, Gimbiya came out to him.

Ayo was enraged by the revelation, and insisted that Gimbiya should pay him for pretending to be her boyfriend. Gimbiya paid him, but he returned demanding more money and threatened to expose her to her parents. At this point, Gimbiya refused to comply with the demands, told Ayo off, and went to her parents to preemptively divulge her sexual preference for women.

Gimbiya first approached her mother. When Gimbiya told her mother about her sexual orientation, her mother swooned, clutched the door post, and asked for a chair. Gimbiya panicked. She got her mother a chair and then fetched her a glass of cold water. When her mother seemed to have calmed down, Gimbiya bolted out of the house to find a friend she could confide in.

After her mother's dramatic reaction, Gimbiya began to doubt whether it was worth it to tell her father. Her friend told her that she should never have told her mother, but should have confided in her lesbian friends. They could have made it clear to Ayo that blackmail would not work and that Gimbiya would be supported regardless of what happened. Nonetheless, Gimbiya's friend praised her for being brave. Together, the two of them decided that since Gimbiya had already told her mother, her father would find out whether or not Gimbiya approached him directly. Gimbiya decided she had to come out to her father.

When Gimbiya got home, her mother was nowhere to be found. She went to her mother's bedroom and found her reading the Bible. The two did not exchange a word, but Gimbiya figured that her mother did not look like she planned to tell her father about her revelation any time soon.

Nonetheless, Gimbiya found she could not summon up the courage to tell her father about her sexual orientation. She recognized an opportunity to do when her father asked for his dinner and sat in the living room reading a newspaper. Gimbiya contemplated sitting down close to him and letting him know, but found that she could not go through with it.

Gimbiya changed her mind about telling her father and got his dinner ready for him. She served him the meal and went to take a shower. By the time she stepped out of the shower, she heard her parents talking with raised voices, and quickly realized that her mother had divulged the secret. She wanted to run out of the house, but only had a piece of towel wrapped around her.

Gimbiya's father did not take the news well. He went on a rampage, saying he would do whatever was necessary to straighten her out. He went so far as to threaten her with a gang rape if that was what it would take to put a stop to her wayward life. Gimbiya did not wait to see how serious her father was about the threat. She left home. As she remembers, "I had a feeling that he would seriously plan to have a group of men rape me to prove his point."

Gimbiya's story illustrates the importance of identifying friends and family who can be trusted to offer unconditional support. When Gimbiya was blackmailed by a friend, she went to her family hoping to tell her them directly to neutralize the blackmailer's threats. Instead of helping with the situation, Gimbiya's parents rejected and threatened her. Her strategy prevented Ayo from blackmailing her, but allowed her father to extort her, threatening to have her gang raped if she did not comply with his demands to live a heterosexual life. The story shows how important it can be to have a support network that can be trusted in situations like these, and that can provide advice and guidance when a victim does not know where to turn.

## **EXTORTION AND BLACKMAIL OF BISEXUAL WOMEN: MORENI'S STORY**

Moreni is a married bisexual woman in Lagos. She had a lesbian lover, Ladi, who complained that Moreni was spending too much time with her husband and children and was not giving her enough attention.

Ladi's desire to spend time with Moreni had already caused strain in the marriage. Once, the two were at Moreni's house and Moreni's husband saw them indulging in a quick kiss. Moreni had to lie. She told her husband that she was only giving Ladi a friendly kiss for passing her exams. He was skeptical, and suggested that there were better ways to encourage

her for doing well in school – for example, buying her a gift or making a token gesture of support. Moreni replied that she had already given her a gift, and that there was nothing excessive about such a small gesture of encouragement. Shaken, she dismissed the interrogation.

A few days later, after she thought the whole incident had been forgotten, her husband called her into the bedroom and voiced his suspicion that her relationship with Ladi was more than simply friendship. He asked Moreni to be open with him and tell him if they were lovers. She insisted that they were not. Moreni's husband surprised her by telling her that he did not mind if she were lovers with Ladi or any other woman, so long as she was not having affairs with a man. Even with that assurance, Moreni denied the relationship.

After the incident, Moreni resolved to stop having Ladi in the house. She did not want to risk being caught again by her husband, or to fuel his suspicions about their relationship. To find ways to spend time with Ladi, Moreni had to lie to her husband about how she needed to meet urgently with either her parents or her friends. When she found ways to do so, she would leave for periods that sometimes turned into weeks of vacation with Ladi.

Despite all the time they spent together, Ladi was not satisfied with the relationship. She kept demanding that Moreni abandon her husband and settle down with her. Moreni agreed to leave her husband, but only if she could wait until after her children had grown up and left their home. Ladi refused this compromise, and threatened to out Moreni to her husband to force him to leave his wife.

Moreni pleaded with Ladi, but to no avail. Ladi insisted that she could not share Moreni with anybody else. Ladi knew that Moreni was more attracted to women than she was to men. She had always suspected that Moreni had gotten married simply to stop the pressure from her family after she reached the age to get married and settle down. Moreni attempted to make Ladi understand that her mind and soul was with her, but this failed to convince her lover that they could have a meaningful relationship even as she and her husband raised their children.

As a way of placating her, Moreni rented a place for Ladi close to the home she shared with her husband and children. Ladi wanted more, and demanded a car. Moreni bought her a car, but started withdrawing emotionally from Ladi. Eventually, she was able to negotiate a deal where Ladi received a monthly allowance until she was able to get a well-paying job. The relationship ended over time. Moreni says, "I felt betrayed. It was

no more about being together, it became about what she could get from me since she couldn't get me on her own terms.”

Moreni hoped to meet a lover who would be able to accept her marital status, and understand that it was something she had to do to please her society and her family, not necessarily because she was in love with a man. In the interview, she talked about her friends who kept lovers even though they were married. Some had that option because they were married into a polygamous home. Others were able to reach that compromise because they cared for their lesbian or bisexual lovers, but wanted the economic support that their husbands provided for them. With that support, they were able to take trips and take care of their lovers materially. When their lesbian or bisexual lovers also wanted their full time and attention, the arrangement became more difficult. For Moreni, it resulted in her lover manipulating her with the threat of disclosure, and blackmailing her into spending time together and buying her what she demanded.

### **EXTORTION AND BLACKMAIL IN SCHOOLS: FRANCA'S STORY**

Franca is a high school student. She is a prefect, and one of the privileges she enjoyed was having a room to herself. One of the duties of her “school daughter,” Ngozi, was to clean up Franca's room as often as she wanted.<sup>4</sup> One day, Franca realized that Ngozi was snooping around her room and stealing her money and provisions. Franca not only confronted her about it, but proceeded to punish her by making her cut a yard full of overgrown grass and weeds.

Ngozi did not take the punishment well. She stole a bag of letters exchanged between Franca and her female lover, and threatened to take them to the school principal unless Franca gave her pocket money, supplied her with provisions, and relieved her of her duties as her school daughter. Franca complied with all of these demands. “If I let her take my letters to the school Principal, that would be the end of my secondary school career in this school,” Franca says, “and I don't want to put my parents through that type of embarrassment.”

Franca talked about the common knowledge in her high school that a good number of girls were lesbians and nobody minded or bothered about it. It was considered a strong part of an all-girls boarding school culture. It became a problem, however, when a jealous lover wanted to get back

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<sup>4</sup> A system in boarding secondary schools where seniors and prefects enjoy the privilege of being assisted by junior students.

at her ex-girlfriend or cheating lover. Alternatively, girls who could not find themselves lovers reported their coupled classmates to the school authorities out of envy. In these environments, close friendships and relationships between students could be used against them to disrupt or prematurely end their education.

## LESBIAN AND BISEXUAL WOMEN'S NEEDS AND CONCERNS

Across all these categories, the extortion and blackmail that women faced was also related to other power dynamics in their lives. The relationships between bosses and their employees, parents and their children, husbands and their wives, and educators and their students were prominent in the narrative, and often gave perpetrators very real power over their victims, which went above and beyond the threat of disclosure. The difficult position in which lesbian and bisexual women found themselves was exacerbated by the lack of support they had in dealing with extortion and blackmail. The interviewees usually attempted to deal with the threats themselves, without friends or family to assist them. They felt helpless and were unaware of how and where they might get professional advice.

As long as lesbian and bisexual women face stigma from those around them, they are likely to face extortion and blackmail. In light of that reality, it is essential that women who are victimized have networks and resources they can turn to for help. The feminist movement should be a source of support for lesbian and bisexual women dealing with extortion and blackmail. Pinkie Megwe describes feminism “both as an activist movement and as a body of ideas that underline the need for a positive transformation of society such that women are not marginalized but are treated as full citizens in all spheres of life.”<sup>5</sup> Indeed, the interviewees described the same kinds of subtle and explicit pressures that women across Nigeria face – for example, expectations around marriage and child-rearing, sexual harassment from employers, the threat of assault or rape, and a lack of legal and professional support for women. These are not lesbian or bisexual issues, but the result of a much larger patriarchal structure.

Unfortunately, the feminist movement in Nigeria has been reluctant to take up the issues of lesbian and bisexual women. In Nigeria, “feminism” is associated with contemporary western feminism, including the belief in

5 Mekgwe, Pinkie. “Theorizing African Feminism(s): The ‘Colonial’ Question,” *QUEST: An African Journal of Philosophy* XX (2006): 13.

some quarters that feminism is the theory and lesbianism is the practice. As a result, the feminist movement in Nigeria is held with much suspicion. Evidence of this is seen in the work of many women writers in Nigeria – for example, Buchi Emecheta refers to feminism as foreign, Akachi Ezeigbo prefers to be called a womanist, and Zaynab Alkali flatly rejects the feminist label. The feminist movement in Nigeria is fraught with so much controversy that it has not yet become a firm platform for all women to fight and topple patriarchal hegemony.

Thus, it is important that LGBT groups consider the needs of lesbian and bisexual women and make themselves available to them. Some lesbians and bisexual women rebuff patriarchal expectations – for instance, the pressure to marry a man – and live with their lovers, but they have not yet formed groups which would be a visible resource for those in crisis. Instead, the networks that do exist for lesbian and bisexual women are usually informal. Although some LGBT communities hold underground meetings weekly or monthly to discuss their problems and weigh their priorities, most lesbians and bisexual women fight their fights as individuals. Few of the lesbian and bisexual women interviewed for this project were familiar with non-governmental organizations like the International Centre for Reproductive Health and Sexual Rights (INCREASE), Alliance Rights Nigeria (ARN), House of Rainbow Metropolitan Community Church, and Sexual Minorities Against AIDS in Nigeria (SMAAN). All of these organizations cater to the needs of the LGBT community in Nigeria, and attempt to address the persecution and violence they face.

So long as there is stigma against homosexuality, LGBT people of all kinds will be at risk for extortion and blackmail. In this sense, the needs and concerns of lesbian and bisexual women are similar and in most cases indistinguishable from those of homosexual men and transgender people. All of these groups will be easily victimized as long as their behaviors and identities are policed and punished by the wider society. It is therefore unlikely that extortion or blackmail of lesbian and bisexual women in Nigeria will end anytime soon.

Nonetheless, LGBT groups must be supported in their efforts in Nigeria. Programs should be undertaken to raise awareness that LGBT communities exist in Nigeria, which is not widely known since most LGBT people in the country remain in the closet. The visibility of LGBT groups fighting for their rights and offering them support will give them

the confidence to “come out,” even if only to other people within these groups. This creates networks of support that victims can turn to in times of need, and can give victims the confidence to report any abuses meted out to them. For this to occur, LGBT groups have to be more visible – and need to be supported by the larger and international human rights bodies that can assist them in the face of attacks or backlash.

As LGBT groups try to raise awareness about these issues, they must also build mechanisms to respond to extortion and blackmail against lesbian and bisexual women. In light of hostility from friends and family, these women need an easily recognizable and accessible body that is open to protect and defend them. Such a body should have a physical space where complaints can be lodged and where lawyers are available and willing to defend them. Ideally, it would be able to work closely with some government agencies and lawyers. It could also help spread the awareness that the extortion and blackmail of homosexuals in Nigeria is a violation of the National Human Rights Act, and can pressure the National Human Rights Commission to take action against the problem.

The lesbian and bisexual women interviewed for this project described a variety of types of blackmail and extortion. While their experiences may seem personal and very specific, they all reflect the ways that patriarchy limits the options available to women and prevents them from getting the support they need in times of crisis. The interviews suggest that extortion and blackmail is not just a lesbian or bisexual issue, but an issue that should be of concern to all LGBT people, all women, and all Nigerians invested in a society where all human rights are observed and respected.

## “BECAUSE OF YOU”: BLACKMAIL AND EXTORTION OF GAY AND BISEXUAL MEN IN GHANA

Mac-Darling Cobbinah

Homosexuals in Ghana lead a precarious existence. Section 104 of the Criminal Code criminalizes “unnatural carnal knowledge” between consenting adults, punishing it as a misdemeanor. The existence and enforcement of the law create an environment of impunity in which the rights of men who have sex with men (MSM) and women who have sex with women (WSW) are widely and routinely violated. In this environment, homosexuals are regularly subject to harassment, gay bashing, physical violence, and extortion. Often, these crimes occur at the hands of, or with the collusion of, the police or other agents of the state.

MSM and WSW are frequently subject to blackmail and extortion attempts in Ghana, and organizations like the Centre for Popular Education and Human Rights - Ghana (CEPEHRG) have started projects to better understand, defend against, and deal with the problem. The key to blackmail is the threat of disclosure, which causes panic among gay and bisexual men as they would be considered criminals under the current law. Disclosure about sex and sexuality can take a number of forms, including threats of exposure to police, employers, friends, spouses, families, communities, faith communities, or the press. Extortion typically involves direct threats to the victim, ranging from property damage to assault, rape, or murder. Both tend to target those who are especially marginalized or vulnerable to threats.

This chapter is based on a survey of the experiences of gay and bisexual men who have suffered or are subject to blackmail or extortion.<sup>1</sup> It draws from these experiences to think critically about how and why blackmail occurs, the types of threats that are used, the role of the police, and the ways that victims themselves have dealt with blackmail, whether successfully or unsuccessfully. The chapter concludes with highlights of the broader themes from the survey, especially those strategies that are commonly used to entrap unsuspecting victims – and precautions that might be taken to deter or deal with such attempts in the future.<sup>2</sup>

- 1 Only first names are used to protect the identity of the victims. CEPEHRG does not condone, support, or advocate for the behaviors described herein, but hopes that the experiences of these respondents will be helpfully used to better protect the rights of all Ghanaians.
- 2 The author would like to thank Fredrick Annobil, Hillary Afful, Nana Yaw Kusi, and Francis Carboo of the MSM HIV/AIDS Intervention Project for their work on this project.

## HOW DID THE BLACKMAIL BEGIN?

Blackmail can be committed by strangers, acquaintances, employers, colleagues, friends, or even family – virtually anyone who might have access to information that another person wants to keep secret. In a few cases, blackmailers or extortionists approached their victims without there being any prior relationship between the two parties. When strangers did not know a great deal about the victim, they often used extortion rather than blackmail to get money, property, sex, or services from them.<sup>3</sup> One interviewee, Paa, a 17 year-old student from James Town, was raped near a bus stop on his way to central Accra. His assailants threatened him at knifepoint demanding that he perform oral sex on one of them. His attackers knew that he would not scream or draw attention for fear of being exposed. It is common for “straight” men to find an effeminate gay man in the evenings and force him to have sex. Knowing that the victim would not want to be exposed, they threaten to report or beat him if he does not comply. There have been several episodes of such violence in the Eastern, Ashanti and Greater Accra regions of Ghana, where extortionists use the vulnerability of their victims to directly threaten them if they fail to comply with a set of demands.

In most cases in the survey for this chapter, however, blackmailers took the time to get to know their victims before their threats began. Often, they met on the Internet, which enabled the blackmailer to get key details about the victim in advance of any face-to-face meetings. Dei, an 18 year-old man from Accra, met his blackmailer online. After several conversations, the blackmailer demanded payment to keep silent about his homosexuality. This kind of relationship without a physical meeting has the added advantage of secrecy for the blackmailer, whose true identity may never be revealed.

The Internet has also been used to arrange sexual encounters, which were then used to blackmail the victim. T.J., an American visiting Accra, describes this kind of entrapment:

The blackmailer met me in my hotel room after I arrived in Ghana. We engaged in consensual sex with a condom. Approximately two days after the encounter, he came back to the hotel with two men.

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3 As defined in the Introduction to this volume, “the crime of extortion involves obtaining money, property or services from another person through, for example, intimidation or threats of physical harm. The crime of blackmail is similar, but involves threats to disclose information that a person believes to be potentially damaging to their reputation or safety.”

The men claimed to be his uncles. They demand I pay \$1000 US or they would report me to the police.

This is a common experience of tourists who visit Accra and meet gay partners. Often, these partners blackmail or extort their victims. This does not mean the person is necessarily gay, but simply that he wants money. Suein, a 50 year-old tourist from Norway, experienced a similar situation. Suein recalled: “We had oral sex, and afterwards I gave him the mobile phone, the clothes, and the football I had brought for him. In addition, I graciously paid for his transportation.” Similar to T.J., Suein was then blackmailed by his sexual partner. Suein remembers that “two days later he came with two other men and a police officer. They demanded that I pay \$5000 US or I would be arrested.”

Section 104 of Ghana’s Criminal Code allows blackmailers to operate in this way by essentially placing the victim beyond the protection of the law. Blackmailers often threaten to call the police and turn in their victims for being homosexual and victims know that they are likely to be treated badly whether or not the allegations can be proven. In many areas, police are widely believed to work with the blackmailers for a small fee. Police appear as soon as the blackmailer has trapped the victim in a compromising situation, then extort money from the victim by threatening to prosecute them if they are not paid. Blackmailers may also pay police to accompany them as they collect their payment, which places considerable pressure on victims to pay the blackmailer’s “fee.”

While the relationships described above were short-lived, many other interviewees described how their blackmailers befriended them or developed intimate relationships with them over a long period of time. In some relationships, the blackmailer may have planned to take advantage of the victim all along. But in others, they took advantage of the situation when they needed money, when the relationship soured, or when an opportunity for blackmail or extortion arose. Razak, a 20 year-old male from Abeka Lapaz, remembers taking a friend with whom he had been sexually involved to a local restaurant to have dinner. He asked his friend to hold his phone while he placed their order. When Razak asked for his phone back, his friend refused and threatened to cause a public scene over Razak’s sexuality, leaving Razak with no other option but to give him the phone.

Blackmail was also reported to have occurred when interviewees threatened to cool or end a relationship. Rashid, a 22 year-old student in

Mamobi, met the man who would later blackmail him through a mutual friend. The two had several sexual encounters, until one day Rashid refused to have sex with him. Upon hearing this, the blackmailer removed his clothes and started to yell throughout the communal residence about Rashid’s sexuality. He would not stop until Rashid paid him 200,000 cedis. In these situations, blackmailers take advantage of the presumptive innocence that so often results from speaking up first – by announcing that they have been taken advantage of, the blackmailer immediately puts their victim on the defensive in front of a suspicious public.

In many cases, past relationships between the blackmailer and their victim led to accusations that the victim has given them a sexually transmitted infection and must give them money to pay for treatment. Kweku, a 37 year-old gay man from Adabraka, was confronted by a sexual partner who came back to him complaining of an STI infection. On several different occasions, Kweku gave his partner money for treatment, and his partner began using threats to maintain the payments. Kweku recalls how “[h]e came back from time to time to threaten to disclose my identity if I did not give in to his demands,” turning Kweku’s support into a regular source of income. Kelvin’s blackmailer was more straightforward. Kelvin, a 30-year old from Adabraka, met his blackmailer at a party at the home of a mutual acquaintance. After the two had sex, his blackmailer demanded money to treat an STI – and threatened to report him to the police if Kelvin failed to comply. The blackmailer brought the police to him on one occasion, intimidating Kelvin by making sure he was aware of the seriousness of his threat.

### **WHAT TYPES OF THREATS WERE USED?**

Many of the most extreme threats were made by extortionists. Victims who did not comply with their demands were not only threatened with disclosure, but were also threatened with assault, rape, attacks on friends or family, damage to property, or murder if they did not comply with a set of demands. K.K., a 37-year old bar attendant, was raped at knifepoint for several nights by a customer from his shop. K.K. remembers how the customer “came with a knife and fucked me every night,” using the threat of mutilation or murder to force K.K. to have sex with him. The kinds of threats that extortionists made were patently illegal, but without access to the police or the full protection of the law, gay and bisexual men were often helpless to stop them.

Blackmailers threaten to disclose the victim’s secret to a variety of people. Sometimes, the threat is to disclose one’s homosexuality to police

or authorities that might prosecute the victim. Rashid said his blackmailer “told the police I had sexual intercourse with him and promised to pay him some money but after the sexual encounter I refused to pay him the said money,” framing Rashid as the responsible party when the sex was consensual and it was Rashid who ended the relationship. When T.J. and Suein were blackmailed, both were threatened with disclosure to the police. T.J. recalls how “they came to tell me I have infected their nephew with a sexual transmitted disease, ‘gono’ [a slang term for gonorrhea], and so I have to pay them \$1000 US for his medication or else they would report me to the police.” Suein was also accused of infecting a partner with whom he had protected sexual intercourse, who complained that he was suffering from complications from having anal sex. Suein was asked to pay \$5000 US in exchange for not reporting the allegations.

The police may be a prime audience for disclosure in instances where the blackmailer does not know the victim’s family, friends, employer, or community – for instance, when the blackmailer has just met the victim or the victim is not resident in the area. Police are, however, not the only people who exercise power over gay and bisexual men. Blackmailers who could use other points of leverage often threatened disclosure to employers, teachers, families, friends, and other important people in their victims’ lives. Adjeley, a 23-year old male, was blackmailed by a friend from school. When the friend demanded money for his silence and Adjeley refused to pay, Adjeley was reported to the school authorities for engaging in homosexual activities. He faced expulsion as well as potential criminal prosecution. At the time, he was unaware of the consequences that he might face for engaging in homosexual activity, let alone that a trusted friend could betray him. Yaw, a 28 year-old Christian, was alarmed when someone he met through church threatened to inform other members of the faith community about his homosexuality. According to Yaw, “he threatened to report me to the church’s elders – saying that I raped him and paid him off with the things he actually stole from my room – if I kept on demanding them back from him.”

If a person’s sexual orientation is not known to the wider community, the potential targets are virtually endless. Isaac, a 21 year-old from Dansoman who met his blackmailer through friends, found himself faced with threats to reveal their relationship indiscriminately:

He threatened that if I didn’t remain silent and give him my phone, he was going to tell the whole community that I had sex

with him, so I gave him my phone. He also threatened to tell everyone that I [had] forced him to sleep with me, and that when he refused I wanted to have my phone back.

In a few instances, victims were threatened with disclosure to whoever was nearby, whether they knew them or not. In settings where homophobia is widespread, the threat of a homophobic response from strangers in the vicinity can force the victim to comply with a blackmailer’s demands. Razak was threatened with exposure of his sexual orientation unless he gave his phone to the blackmailer. In the public setting of a restaurant, he was told, “if you do not let go of the phone, I will let people know about you.” As shocking as it is to see your friend or partner turn against you in public just to get your phone from you, interviewees suggest that this kind of behavior happens every day in Ghana.

### **HOW DID VICTIMS RESPOND?**

The responses to blackmail varied widely. Although the majority of victims complied to avoid the blackmailer’s threats, a few people opted to be open about their sexuality in order to remove the blackmailer’s leverage. As one interviewee put it, “don’t dare me – if you dare me, I will dare you!”

One respondent, Prince, detailed how this was done:

Someone tried to have sex with me by force under threat that if I rejected him, he was going to let neighbours know about my sexual orientation and what I do in my bedroom. I asked him to follow me to the police station since I did not want any embarrassment in my house or surroundings. He went straight into the police station and the policeman asked “why are you here?” He quickly came out to tell the police he had some monies with me and any time he comes for the monies I refuse him entry into my room to talk. He thought he was wise and would get me to panic and pay him or ask him to get back to the house for sex.

I quickly thought of what to do and decided to tell the policeman the truth before he opened his mouth. The first person to speak the truth will be believed, I thought. So I said, “we were engaging in homosexual activity when we were in school and have now stopped, but he keeps coming to me asking for sex and when I

refused he threatened to disgrace me.” The police officer then realized the seriousness of the case and asked him if what I said was true. He was shocked about my openness and did not know what to say.

Others also went directly to those the blackmailer was threatening to tell, notifying them that they were being blackmailed and depriving the blackmailer of their leverage. When the blackmailer does not have proof of what he is threatening to disclose, this can be a particularly useful strategy.

Knowing how school authorities look down on homosexuality, Adjeley’s blackmailer used the threat of disclosure to get him to do whatever he wanted. Most people in the school would never discuss these problems, or the abuses the seniors inflicted on the juniors they knew to be homosexual. When a senior demanding money blackmailed Adjeley, he called attention to it and they were both taken to the school’s authorities. As Adjeley recalls:

When he was called by the head master, he accused me of being a homosexual and said that I tried to sleep with him. This forced me to reveal all his threats and intimidations when he comes to me or other students to collect our food. I was very lucky to have a student from another school come to my school to testify that the senior was a homosexual and that he had been seen in various places with other homosexuals.

The student went on to accuse the senior of sleeping with him and other students on campus. This prompted the school’s authorities to suspend the senior for two weeks and to ask him to leave the boarding house and become a day student after his suspension. He was ordered to remain a day student until he completed his education at the school. The senior was suspended for being gay. This kind of mutual exposure goes a long way to affect the homosexual or gay community negatively, as both parties seek to have other gay men prosecuted using homophobic laws.

Adjeley was able to go to the authorities both because his blackmailer lacked proof and because other students were willing to testify that the blackmailer was abusing his power to take advantage of other students. When homosexual men do not have sufficient evidence to legally expose their blackmailer, they can defend themselves by invoking clauses in the Constitution relating to human rights and freedoms – for example, their rights to property, to privacy, and to be free from slavery and servitude as

enshrined in Chapter Five of the 1992 Constitution. The confidence and apparent willingness of victims to follow the case to court often scares the blackmailer or extortionist and forces them to rethink and often refrain from pursuing the blackmail threat.

A few of the interviewees had gone to the police, hoping that they would put a stop to the threats and protect the victim. For some, the police were helpful. Nketia, a 24 year-old bisexual male, was blackmailed by his neighbour. He initially paid the money the blackmailer demanded, but then reported the blackmail to a trusted friend in the police force. Nketia recalls that the officer promised him justice, and “assured me that they would arrest him the following morning.” Indeed, the blackmailer was arrested by the police. Suein also initially gave into the blackmailers, but a friend contacted the police. As Suein recalls:

I did not report them immediately. I became very scared and agreed to go with them to the bank for money from the ATM machine. On our way, I texted another friend in Ghana and told him what had happened to me, and he arranged a police man to meet us at the bank. All of us were sent to the Tema police headquarters where I was asked to leave after writing my statement and the two boys were detained.

Nketia and Suein were lucky – not many persons know or trust law enforcement, and these cases were the exception and not the rule. Most of the interviewees did not report their attackers to the police. Many were worried about whether they would be treated fairly if they were implicated in homosexuality. Others have had negative experiences with the police in the past and did not think they would be treated fairly and impartially.

From the testimonies offered by respondents, these fears were well-founded. In the cases surveyed, the police were frequently unhelpful, and often exacerbated the problem. After K.K. was raped multiple times, he reported the incident to the police and was told the attacker was a wanted criminal. Nonetheless, the police did not know where to find him, and could not guarantee K.K.’s safety. K.K ultimately quit his job, moved from the place he was living, and started over elsewhere to escape the extortionist who was threatening him.

T.J. was also frustrated by the police response. He recalls how “the police took my statement and asked me to go and come back later to

check... but nothing was done to the boys, who were allowed to come over to my hotel from time to time to threaten me.” T.J. eventually changed to a different hotel, then, when the harassment became unbearable, left the country to return to the United States earlier than he had planned.

The only gay Ghanaians who felt compelled to report blackmail were either harassed by the police or put behind bars with their blackmailer. When Isaac’s friend kept his phone and threatened to tell people about his sexuality, for example, Isaac reported the blackmailer but ended up being arrested. At the end of the ordeal, the police told Isaac that because his assailant was his boyfriend, he should solve the problem himself.

In light of this treatment, it is understandable that many of the respondents did not feel comfortable going to the police at all, fearing that they would be laughed at, exposed by the police, or arrested themselves. Bernard, a 26 year-old man who was entrapped by a man he met at Labadi Beach in Accra, did not report the incident to the police for fear of being victimized. He explained, “I didn’t report it to the police because I was afraid to. Since gay life is not legalized in Ghana, I’m afraid I might be arrested by the police if I do go and make a report... I decided to risk my life and collect my phone myself.”

Others felt that reporting a crime would expose their secret, remaining skeptical of the confidentiality of the police. When Yaw was threatened with exposure to other members of his church, he says, “I didn’t report the crime to the police because I am discreet and didn’t want the problem to affect my church and home.” Though Yaw generally believes blackmailers should be arrested and reported in the media, he remained silent when he was blackmailed.

Others feared the psychological trauma of reporting terrible ordeals to police who would react with disbelief, mockery, or condemnation. When Paa was viciously raped and stabbed by his attackers, he opted not to make a formal complaint to the police. As often happens in cases of rape, Paa says he feared being told he was asking for it. Even though the attacks, theft, and extortion described above are crimes in Ghana, most go unreported. As Razak remarked about his blackmailer, “Why would I report him to the police when everyone at the scene blames me?”

Given the threat of prosecution and the stigma that victims faced, many felt that confronting the blackmailer’s threat or reporting them to the police were not realistic options. Many simply attempted to meet the blackmailer’s demands. Rashid, for example, chose not to defend himself. He believes that homosexuality is against the culture of Ghana and he

fears that most people do not accept it. He paid money to his blackmailer, saying, “I just gave him 200,000 cedis just to bring peace.” Of course, there is considerable pressure on victims to comply in this manner. Victims offered many examples of such pressure including blackmailers and extortionists being accompanied by a police officer, outnumbering the victims, having weapons, being unclear about what was happening, or making veiled threats and creating uncertainty for victims as to what might happen if the demands were not met.

Even many of those who ultimately went to the police to report the blackmail at first attempted to meet the demands made. Nketia paid off his blackmailer, who thanked him for his generosity and left before Nketia reported him to the police and had him arrested. T.J. reported the boys who were blackmailing him, but admits, “I gave them \$200 US dollars as a first installment of the payment they were demanding.” The extortionist who targeted K.K. not only raped him at knifepoint, but demanded \$400 US. K.K.’s friends contributed over 900,000 cedis to help him pay off his extortionist.

When the police were not involved, the blackmail rarely stopped with a single payment. Kweku and Kelvin, the two men whose former lovers accused them of giving them STIs, found that this quickly became a pretense for blackmail. Kweku paid for the hospital bills of his blackmailer as well as money to keep him silent, but the blackmailer kept coming back for money. Kelvin also paid a lot of money to his blackmailer to avoid having his identity revealed to the public. His blackmailer still complains of an STI infection and uses that excuse to return for more money. Since Kelvin does not want anyone to know about this relationship and the fact that he had unprotected sex with this man, he paid – and continues to pay – his blackmailer. Kelvin’s anxiety is apparent to his blackmailer, signaling that he can use Kelvin as a bank and go back for money whenever he needs it.

When gay and bisexual men offer inducements for others to keep their secrets, this shows their desperation and exacerbates the problem. In these scenarios, blackmailers are encouraged by money, gifts, and pleas to continue their blackmail, either by increasing the money demanded from their victim or by targeting other gay and bisexual men.

Even with payment, the blackmailer may fail to keep his promise and act on the threat anyway. Alhassan, a 23 year-old student in James Town, was blackmailed by a friend at his prep school. One night, this friend asked him to perform oral sex on him. After he had begun, the lights switched on

and he found the room full of dormitory mates who immediately started clapping and yelling “well done.” After he begged several times for the case not to be reported to the school’s authorities, the blackmailer requested a huge sum of money to be paid to him to keep quiet. Alhassan was able to pay him only 400,000 cedis. The blackmailer insisted the amount was too small, and went ahead to report to the school’s authorities. As a consequence, Alhassan was expelled from the school. Paying the blackmailer does not ensure that the blackmail will stop or that the secret will be kept.

### **WHAT FACILITATES BLACKMAIL AND EXTORTION?**

When asked why people blackmail, respondents identified a number of factors that facilitate the victimization of gay and bisexual men in Ghana. Respondents felt that the biggest factor facilitating blackmail is the illegality of same-sex activity, as well as the social prohibitions that punish people for being homosexual and encourage them to keep their homosexual behavior secret. Many also pointed out that blackmail is facilitated by the poverty in which many of the blackmailers live, the lack of opportunities for them, and the emphasis on “fast money” in Ghana. Respondents said that laziness, poverty, greed, selfishness, and opportunism make blackmail seem like a quick and easy way to become wealthy while doing very little work.

Many people believe that gay and bisexual men are wealthy, making them a prime target for blackmailers. They may have knowledge of others who have become rich through extortion and blackmailing of gay and bisexual foreigners and Ghanaians. Alhassan, for example, believes people are lazy and that is why they engage in blackmail and extortion, but he also mentions that the easiest way people find making money is to extort from gays: “If they move from place to place extorting for a day, imagine the amount of money they will make!” Bernard says that gay guys are thought to be fabulously rich in Ghana, and blackmailers will always want to extort from them. Nketia agrees, saying that blackmailers “know that gay guys are well to do, meaning that they’re hard working people who make lots of money just to have fun. Blackmailers want to use that opportunity to take what does not belong to them – they’re opportunist!” Suein, who is a foreigner, thinks his blackmailers took advantage of him because they knew he was a foreigner and perceived him to be rich or wealthy. Foreigners - especially any “white” or fair-skinned person – are perceived to be rich in Ghana, and are often perceived to be gay or homosexual.

The ability to target gay and bisexual men is facilitated by the transactional aspect of many sexual encounters in Ghana. A monetary element in sex is not only present within the gay or homosexual community, but also within the heterosexual community. After sex, whoever is employed or set up the encounters typically gives a small token of appreciation to their partner, either in the form of a gift or money for transportation. When gifts or money are exchanged after sex, it becomes easy for blackmailers to take advantage of the ambiguity of this transaction to victimize their partners. Many blackmailers express disappointment at whatever initial gesture is offered, and then proceed to demand huge sums.

The prevalence of transactional sex allows many “straight guys” in Ghana – masculine men who have sex with men – to treat sex with gay or bisexual men as their job, moving from one place to another having sex with other men for money. Often, they make enough in this trade to become richer than their victims, who work in offices and receive far lower weekly or monthly wages. The custom of giving gifts or money after sex has led many people to expect large sums of money after a sexual encounter, and those who are disappointed by what they receive may attempt to extort the maximum amount of money possible from their partners.

Many blackmailers also take advantage of their partner’s HIV status, lack of access to HIV and STI testing, or failure to practice safe sex to blackmail them at a later date. After sex, blackmailers may accuse a person of giving them HIV or another STI, then demand payments for treatment whenever they are in need of money. Kelvin and Kweku both experienced this kind of blackmail, and were less able to deal with it because they were initially unsure about the validity of the allegations. It was only when Kelvin and Kweku’s partners began demanding regular payments that it became clear that they were being blackmailed.

In some cases, blackmailers may also target gay and bisexual men because they have convinced themselves they can do it with moral impunity. Dei, like most people, believes that gay and bisexual men are wealthy and therefore natural targets for blackmailers. He added that blackmailers also say that “Ghana is a Christian nation and so blackmailing homosexuals is right,” using allegations of immorality to justify their own acts of intimidation, theft, and violence. T.J. suggested that the converse might also be true; if victims lack self-esteem, feel they are doing something wrong, and find that their behavior is widely condemned by their family, religion, and government, they become particularly inviting targets.

Indeed, amid all these factors, the one that respondents overwhelmingly identified as a facilitator of blackmail was the presence of the sodomy law and the belief that gay and bisexual men could be victimized with impunity so long as it remained in place. As Yaw suggested, blackmailers “know the law of Ghana does not permit homosexuality, and therefore a homosexual has no rights under such law. You cannot depend on such law as a homosexual!” Kweku agrees, asking, “Who are you to report to the police that you were blackmailed about your ‘gay life’? Nobody! So they know blackmailing is safe.” Israel, a 27 year-old gay man from Abeka Lapaz, agreed. He had no idea why people would blackmail, but believes that people are able to commit such acts because the gay community is a minority and the laws in Ghana do not defend or favour gay and bisexual people.

The respondents’ assessments seem accurate. Although all participants in the survey responded that they would want their blackmailers to be brought to justice, the vast majority did not report the crimes. This situation is not helped by the fact that many gay and bisexual men do not know that blackmail and extortion are illegal in Ghana and will thus not report it to the police.

It has also been well-demonstrated that it is likely that the police will fail to help gay and bisexual men when they do report being blackmailed. According to K.K., blackmailers and extortionists also know that the police themselves are committing these offenses, and will help their perpetrators evade justice. Gay and bisexual men risk exposure and condemnation when they go to the police – often, of the same behavior the blackmailer threatened to reveal – and blackmail and extortion are thus underreported. Many of the survey respondents felt they would be mocked, blamed, or even arrested by the police for reports of blackmail. Instead of following up on cases, Dei noted that police frequently tell gay and bisexual men to “investigate it, and when you find the person, call me.” These factors within the legal system that put gay and bisexual men at particular risk are exacerbated by broader problems of corruption and lack of transparency in the Ghanaian criminal justice system. There are reports of police officers demanding fees to investigate crimes, making victims wait for hours and then demanding payments to take complaints and of police requiring victims to underwrite the costs of investigation. Victims do not always have the means to pay these “costs,” and when they do, these add another financial and psychological burden in addition to the blackmail and extortion itself.

Claims that homosexuality is “un-Ghanaian” have also fostered a belief that the police, the judiciary, and the state will not help its citizens if they engage in homosexuality or identify as gay or bisexual. As Yaw argued, there have not been any well-publicized arrests of blackmailers or extortionists who target gay and bisexual men, and that is why people believe they can operate with impunity. Paa agreed. He suggested that if one or two individuals were charged with blackmail and extortion, the rates of these crimes would decrease. Without that deterrent, more and more youth are finding these crimes to be both easy and profitable. Without some signal of culpability, the gay and bisexual men in the survey agreed that the problem of blackmail and extortion would only get worse.

## CONCLUSION

Most of the people interviewed for this survey were uncomfortable sharing their past experience as victims of blackmail because of the pain they went through during the incident. Many people who did not participate in the survey had similar experiences, but they did not want to be interviewed because they felt the incidents were in the past and life goes on. Others would not admit to having been robbed or blackmailed, as they would feel “foolish.” Those who shared their story did so to inform the public about blackmailers and extortionists’ practices in the gay and bisexual community.

In order to encourage the reporting of crimes, all of the above must be addressed. The types of blackmail and extortion identified by respondents are unlikely to stop unless sodomy laws are revoked and gay and bisexual men know that blackmail and extortion are illegal under Ghanaian law, feel that their complaints will be respectfully heard and not dismissed out of hand, and are confident that the police will act upon the allegations and do their best to see that justice is served. By sharing their experiences, the gay and bisexual men in this survey have shed light on a problem that is almost never acknowledged in Ghana – and have pointed the way for NGOs, the police, the government, and others to work to ensure that the problem is addressed.

## BLACKMAIL AMONG GAY PEOPLE IN MALAWI

Wiseman Chibwezo

Samson used to chat with a man who knew that he was gay.<sup>1</sup> One day, the man called around 8:00 pm asking about his whereabouts. Samson said he was at his office then, still filing away some work, and the man took it upon himself to visit his office that same night. When the man arrived, he asked to use a computer, saying he wanted to check some emails. Samson offered him one. Instead of checking his email, the man logged onto a gay website. He showed the website to Samson and then started touching him. “We started kissing and we made love,” Samson remembered.

After their encounter, Samson dropped this man off at his place. The following morning, the man sent Samson a text message. It read, “Do you know that what you did to me yesterday was wrong?” Samson asked what he meant by that. The man replied that he was not pleased with what had happened the previous night, and that he was considering reporting Samson to the police and to his wife. As Samson recalled, “I pleaded with him not to report to the police. He agreed on condition that I gave him something. Later, he demanded a car.”

The demand was an outrageous one. In Malawi, cars are a luxury and bought at a huge price, often costing what people have saved over a lifetime of work. People save for years – starving themselves in the process – just for the privilege of owning a car someday. Many more people are born and die without ever thinking of being able to afford a car of their own. The man’s demand for a car was a very strange request indeed.

Unable to afford such a huge luxury, Samson reported, “I told him I would not manage a car. He asked for at least an equivalent amount in money. After negotiating, we agreed that I give him MWK 100,000 [about \$660 US] by installments.” Samson gave him this money and his blackmailer left him alone.

Samson’s story briefly illustrates just how easily blackmailers can threaten the welfare of the gay community in Malawi. Malawians are hard-working people, and are usually proud to earn what they possess. It does not really require much work, however, to take advantage of gay people for one’s own benefit. The society and laws that criminalize homosexuality have already done the groundwork, as it were. Those who know a gay person just need to set up a compromising scenario to get their rewards.

1 All names used in this chapter are pseudonyms to protect the identities of those involved.

The victim not only loses their money or their property, but is also subject to a form of entrapment that is psychologically and emotionally taxing.

The Centre for the Development of People (CEDEP) believes it is important to address this and to find out why such blackmail cases are rarely reported to the authorities and how authorities have handled any reported cases. CEDEP conducted a study to identify the extent of blackmail among the gay people in Malawi by exploring and analyzing specific incidences of blackmail and identifying factors that make gay people vulnerable to the practice.<sup>2</sup>

CEDEP's study, described in this chapter, was conducted with thirty gay and bisexual men of varying ages, occupations, social statuses, and qualifications, and was conducted by random oral interviews using a standardized questionnaire.<sup>3</sup> The respondents were requested to briefly narrate at least one blackmail ordeal they had dealt with. Unsurprisingly, all of them had a story to tell about their having being a victim of blackmail simply because of their sexual orientation. Although the study was only conducted with a small but diverse group of gay and bisexual men, it provides a glimpse into the difficulties they face in their everyday lives in Malawi.

## **STATUS OF GAY PEOPLE IN MALAWI**

The limited tolerance that gay people enjoy in Malawi makes them particularly vulnerable to blackmail. Although research and common knowledge suggest that gay people have existed in Malawi in significant numbers since the pre-colonial period, and despite increasing acknowledgment of their existence by political and religious leaders, the gay community continues to face significant challenges. These challenges create an environment in which blackmail of gay people is not only possible, but also quite easy.

First and foremost, same-sex activity is illegal and harshly punished under the laws of Malawi. Malawi inherited its colonial laws against homosexuality from the British, and as such they are similar to others found across Africa. Section 153 of the Penal Code states that anyone who “has carnal knowledge of any person against the order of nature” is guilty of a felony and faces up to fourteen years in prison with or without corporal

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2 This survey was conducted with financial support from the International Gay and Lesbian Human Rights Commission.

3 The respondents were all men because there were no women who had identified themselves to the organization – which primarily caters to men who have sex with men (MSM) – at that time. The invited participants were selected randomly from a list of people who had attended earlier activities organized by the CEDEP.

punishment. Section 156 further says that any male who commits or attempts to commit “any act of gross indecency with another male person,” in public or private, is also guilty of a felony and faces up to five years in prison with or without corporal punishment. As a result, two people can be gay, but they still do not have the right to practice their sexuality. It does not matter whether they are consenting adults or not, or whether the act was done privately behind closed doors. Once they are found out or reported to the police, they are finished – facing years in prison and hard labor!

Secondly, members of the gay community face adverse social marginalization once they are known or believed to be gay. Friends walk out on them and despise them; family may disown them; and people on the streets start calling them by all sorts of inexplicable names. This is not just psychologically or emotionally harmful, but also affects the physical well-being of gay persons.

Hostility makes access to sexual health care a problem, especially when seeking care could lead to the revelation of one’s sexual behavior or identity. A study conducted by CEDEP within the gay community revealed that people find it difficult to disclose their sexual orientation even to medical professionals because they fear hostile or unfriendly remarks.<sup>4</sup> Unfortunately, there are no specifically gay-friendly health facilities where the gay community can freely access reproductive or sexual-health services, leaving them with few alternatives.

The lack of HIV-prevention programmes directed toward gay people has resulted in this group desperately lacking appropriate knowledge about HIV transmission. A contributing factor to this problematic state of affairs is that, as a presumptively “illegal” class of people, gay people are even sidelined by the country’s HIV/AIDS body, the National AIDS Commission (NAC), in its sensitization campaigns. This is particularly problematic given the fact that surveys conducted by CEDEP have confirmed a UNAIDS description that men who have sex with men (MSM) are a “bridge population” – that is, one which transmits HIV between heterosexual and homosexual populations – in large part, because this group desperately lacks appropriate knowledge about transmission of the virus. While NAC’s policy indicates that they would otherwise feel obliged to reach out to MSM,<sup>5</sup> this apparent willingness

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4 CEDEP, *Knowledge, Attitudes, and Practices Study (KAP) of People in Same Sex Relationships in Malawi*, January 2007.

5 Office of the President and the Cabinet, National AIDS Commission (NAC), Malawi HIV and AIDS Extended National Action Framework (NAF), 2010-2012, April 2009, at [http://www.unaidsrsta.org/sites/default/files/countryprofiles/usefullinks/malawi/National\\_Action\\_Framework\\_Malawi\\_2010-2012.pdf](http://www.unaidsrsta.org/sites/default/files/countryprofiles/usefullinks/malawi/National_Action_Framework_Malawi_2010-2012.pdf), accessed 9 September 2010.

to engage with MSM communities is eclipsed in practice by the legal prohibition of homosexuality in Malawi.

Despite all of these challenges, the gay community in Malawi keeps on growing as more and more people come out of their small closets to interact with others. Unfortunately, this growing community must often stay in a bigger, collective closet to avoid backlash from the wider society. Those who come out into the gay community find that, instead of simply being discreet about their own behaviors and identity, they have to be careful to safeguard the behaviors and identities of others in the gay community as well. As it grows, however, the community has started mobilizing itself in a bid to offer support to its members in whatever way necessary.

The mobilization of gay people and efforts to improve their status accelerated with the help of CEDEP, a non-governmental organization working to promote and uplift the lives of minority groups in Malawi by advocating for human rights and tackling HIV/AIDS. The organization provides a safe space for the gay community where they can interact and discuss topical issues affecting them, but also engages in advocacy on inclusiveness and human rights, offers HIV/AIDS prevention services, and provides referrals for AIDS treatment.

Meeting the needs of the gay community and people in same-sex relationships is rather like walking a tightrope in the country. While they are often at risk and badly in need of support, gay people are looked upon unfavourably and are regarded as insane, shameful and not worth associating with. In fact, a religious group once described CEDEP as “messengers of the devil” for its efforts in addressing the plight of gay people. The anger towards those who are championing the rights of minority groups such as gay people is further fuelled by the fear and misunderstanding surrounding HIV/AIDS in the gay community. It takes a great deal of courage to openly and visibly work on behalf of the gay community, as this is often seen as an indication that a person condones same-sex activity or is gay him or herself.

It is in the context of these many challenges of illegality, stigma, and vulnerability to AIDS – which in themselves seem like more than enough for one population to suffer – that CEDEP has found that gay people are often also victims of blackmail. Although blackmail is otherwise rare in the open Malawian society, blackmailers track down gay people even when they are hiding in the closet, torture them, and leave them vulnerable and uncared for. Blackmail is a widespread problem that almost every gay person has

encountered, but very few, if any, have ever successfully reported it. As a result, the culprits have almost always gotten away with it. The larger society does not know about the problem because these are cases that gay people themselves can hardly report for redress. If they did report them, who would care? In this study, we ask what makes gay people so vulnerable to blackmail – and what might be done to bring justice to the gay community in the future.

## **BLACKMAIL AFFECTS VICTIMS ACROSS THE SOCIAL SPECTRUM**

The survey suggested that it is one's sexual orientation, not simply one's social status, that attracts blackmailers. The majority of those surveyed – 77% – were employed and had professional jobs. These people are often thought to have money, which most blackmailers demand, and also presumed to have a lot to lose if their sexual identity were disclosed to others. However, the study suggested that same-sex practicing people can be susceptible to blackmail regardless of age, education or social status.

Of those surveyed, 94% of respondents were indigenous Malawians while the rest were of Asian origin. However, ethnicity does not appear to have itself been a major factor in susceptibility to blackmail. The age of respondents varied – 82% were aged between 16 and 40 while 18% were over 40 years old. Many of the respondents identified as gay (41%). A majority of the respondents identified themselves as being bisexual (59%) and a large majority identified themselves as being married (77%). Being married and having the need for secrecy and non-disclosure appears to put people at greater risk for blackmail. People who are married who engage in same-sex activity are probably targeted for blackmail because their partners may not know about their homosexual behaviour and the relationship would be greatly affected if that behaviour were disclosed. The victims in this group were thus mostly threatened with having their identity disclosed to their wives, girlfriends or fiancées, or more widely disclosed to the community at large.

## **WHAT MAKES THE GAY COMMUNITY VULNERABLE?**

The results of the study suggest that many gay people fall victim to blackmail because they are still in the closet and want to keep their sexual orientation a secret. In fact, fear of disclosure of sexual orientation was at the heart of most of the blackmail cases in the survey group, with 58% of the victims being threatened with public disclosure and 52% being threatened with a report about their homosexuality to the police. If their sexual orientation was disclosed, respondents said they feared public ridicule

and great discrimination, which they felt would affect their lives far more adversely than having to pay some money or give up a valuable item. The fact that homosexuality is regarded as immoral and unacceptable prompts many gay people to stay closeted, and this could explain why 58% of respondents said they would rather give in to the blackmailer's demand than face disclosure. 35% of respondents said they would negotiate for a better deal when blackmailed again, and 2% claimed they would wait and see the outcome. Only 5% said they would report any future blackmail to the police.

A majority of the respondents identified themselves as being bisexual. Most of them are conceivably involved in heterosexual relationships, either as a way of concealing their homosexual relationships or because of genuine attraction to their partner. Either way, it is most unlikely that they would disclose their homosexual identity to their opposite-sex partners, and many indicated that they would do anything possible to remain undercover – even if it meant being blackmailed countless times. To them, giving in to blackmail would deprive them of money or property but have no effect on the relationship, while disclosure would almost certainly end the relationship on bad terms.

A majority of the respondents indicated they would allow themselves to be blackmailed or at least negotiate for a better demand in order to prevent disclosure of their sexual orientation. The act of staying in the closet could therefore be one of the major contributing factors to promoting and condoning blackmail. It could therefore be argued that if one discloses his sexual orientation (or “comes out”) to either family or friends, he might be in a better position to confront the blackmailer, particularly if he was supported by the family and friends to whom he had come out and been accepted. Compared to other groups of people, the family is especially influential in a person's life in Malawi, and few people would want to disappoint their family by being forcibly outed by a blackmailer. A person who is out to family and close friends and has been accepted by them would have less reason to fear disclosure than someone whose family and friends do not know or approve of his sexual orientation. With their knowledge and support, the threat of disclosure would probably not have as much effect on him.

It was also deduced from the CEDEP study, however, that most gay people in Malawi do not have adequate knowledge about the crime of blackmail, and are vulnerable because they do not know what recourse, if any, they have. The laws of Malawi criminalize both homosexuality and blackmail. The maximum sentence for both crimes is fourteen years imprisonment. The law on blackmail states that the act of blackmail is always

a crime, regardless of whether the information on which the blackmail is based is factually true or not.

Nonetheless, the survey participants did not know that blackmail is a serious offence on its own, and that the courts do not consider whether what they are being accused of is true or not. Many people knew that they had been taken advantage of, but it became obvious in the course of the survey that they did not always know that they were being or had been blackmailed. The lack of knowledge about blackmail and its illegality is probably because the act of blackmail in general is rarely reported on or talked about in Malawi. This is in contrast to homosexuality, which tends to generate a lot of interest in the press and among the general public. The crime of homosexuality is therefore seen as more grave, and is so stigmatized in law and society that nobody seems to be bold enough to be associated with such a case – especially when we found that gay and bisexual people did not know what to expect if they took a blackmail case to court.

As a result, 94% of the respondents did not report their blackmail incident. All of these respondents said they did not report because they feared either self-exposure or arrest. Twenty-four percent of them added that they either did not know how to express it to the authorities or did not see the need or importance of reporting. Those who did not see the importance of reporting either did not view it as an offence or simply doubted that the police would help them.

Many also voiced the justifiable fear that the police might become more interested in the accusation of homosexuality than the blackmail itself. Only 6% of the blackmail cases were reported to the police, and in these cases, the police concentrated on whether the person who reported the blackmail was actually homosexual rather than whether that allegation was being used to illegally target them. Ultimately, these cases against the gay men who reported their blackmailer failed to proceed, as no witnesses were forthcoming.

In one such case, Jeffrey had his cell phone taken by someone he had been having sex with for some time. The partner threatened to disclose Jeffrey's homosexuality if he dared to tell anyone about the theft of the cell phone. Jeffrey was bold enough to report the theft to the police, who apprehended the blackmailer – but later, the blackmailer told the police that he had taken the phone to teach Jeffrey a lesson because Jeffrey was having sex with him. Surprisingly, the police let the blackmailer go, and instead charged Jeffrey with homosexuality, with his blackmailer as a witness. Luckily, the blackmailer refused to testify in court and the case was withdrawn.

The gay community's lack of knowledge about blackmail and the way that rare cases have been extrajudicially treated by the police does little to encourage the gay community to tackle the problem, either legally or otherwise. As a result, the extent of the problem is difficult to gauge, as many gay people who are being blackmailed occasionally are not likely to realize it or opt to deal with the blackmailer themselves to avoid going to the police.

### **WHO ARE THE BLACKMAILERS?**

Perpetrators of blackmail in the survey group appear to come from all walks of life. Some of the perpetrators were employed (34%), while others were students (18%) or unemployed (48%). The ages of blackmailers varied, although all of them were blackmailed by perpetrators between the ages of 15 and 35. The perpetrators of blackmail against gay people did not solely belong to any particular occupation or social group.

What did seem apparent was that blackmail typically occurred between people who were known to each other. Ninety-five percent of the victims knew their blackmailers before the blackmail began. Of these blackmailers, 65% were either acquaintances or workmates of the victim, 24% were gay friends or partners, and 6% were family members. It is obvious that the perpetrators typically had some prior knowledge of the victims' sexuality and used this as a weapon in their blackmail. Peter, for example, was in a college club when a young man called him outside and told him that he knew that Peter was gay. The stranger then demanded money from Peter for him not to start telling everyone on campus and in the wider community. Peter gave in. The following day, they met again, and the young man apologized for getting involved into Peter's private life, claiming he was under the influence of alcohol – a dubious claim, especially since the young man did not return the money he took.

Since identifying other gay people in Malawi is difficult, gay people tend to make advances to straight friends who may then later take advantage of the situation. James, for instance, was attracted to one of his straight friends. One day, he invited the friend home and told him everything, revealing that he was attracted to him. The friend had no problem with it and the two began to have sex. In the middle of it all, the friend hesitated and started demanding money, threatening that he would disclose James's sexuality to the community if he did not comply. He then took James's clothes as evidence. James had no option but to do as the friend demanded and pay him money for his non-disclosure.

The study suggested that gay people can easily find themselves facing blackmail, regardless of whether the blackmailer is a good friend, another gay person, a wife or a family member, or a work colleague. Blackmail could be visited upon gay people in Malawi by anyone – but the survey suggested it is almost always committed by those who know the victim well.

### **WHEN BLACKMAILED BY FAMILY**

It is particularly disturbing that for many gay people in Malawi the family – which is supposed to be the place where one runs for shelter – is not a safe place. For those who are victims of blackmail, the family often becomes the enemy. Six percent of the respondents to the survey were blackmailed by a family member, including spouses as well as blood relatives.

Samson, who was blackmailed by the man with whom he had sex at his office, said:

My wife later came to know about my affair with other men. I believe some one must have told her, because she one day searched through my office drawers where I kept love letters from my boyfriend and pictures of him and I. She threatened to report me to police and our marriage counselors, including our relatives and everyone who knew me. I was so devastated and felt hopeless. After pleading with her, we agreed to separate, but she demanded that I should be giving her half my salary every month. She still keeps the photos and the letters and uses them to demand anything she needs from me, threatening to show them to people.

Ted had a boyfriend who lived in another town. Once in a while, Ted would visit him together with his cousin. One day, Ted's cousin visited Ted's boyfriend alone and the two had sex. Later, the cousin told Ted that he had found proof of what happened between Ted and his boyfriend, and that he would tell their relatives, friends and even their church. "If you want me to keep my mouth shut, then be giving me your car and some money every weekend," the cousin demanded. "Otherwise, you and your friend are in hot soup." Ted's boyfriend was a respectable public figure, and Ted did not want to put him in disrepute. He gave in to his cousin's demands.

Mark experienced being blackmailed by his nephew, whom he was taking care of and who knew Mark was gay and also knew some of his gay friends. The nephew had become arrogant and alcoholic, and announced

that he wanted to enroll at an expensive school that Mark said he was unable to afford. Mark's nephew threatened to report him and his friends to the police if Mark refused to pay his fees. Mark did not give in, but stood his ground. One day, Mark received a call from a friend from an NGO that handles child-abuse issues. He was told that a young man had complained to them that Mark and his friends had been having sex with him and that he has a list of all the people Mark sleeps with which he intended to hand over to the police. The two were advised to report to the NGO office the next day. That evening, the nephew said he would withdraw the allegations, but only if his demands were met. Mark had no choice but to give in to his nephew.

### **WHEN BLACKMAILED BY THOSE WHO ARE MEANT TO UPHOLD THE LAW**

Like Jeffrey, who reported his blackmailer to the police and found himself on trial for homosexuality, gay and bisexual men may find that police and the judiciary are complicit in their suffering. Police, advocates, and lawyers are supposed to uphold the law fairly and impartially – but they may fail to do so when they are unaware of what the law on blackmail says, or when they are motivated by their own prejudice or greed. A number of participants in the study described incidents where those who were supposed to uphold the law took advantage of those who sought their help.

One day, Nelson found his “lost” cell phone in the possession of one of his friends. The friend refused to give back the gadget, challenging Nelson to do anything he wished to try to force him to return it. Nelson reported him to the police, who later apprehended him and kept him in the police cell for a night. The next day, Nelson was given an option of either having his friend prosecuted in court or taking back his phone immediately and withdrawing the case. Nelson chose the latter, not wanting to put his friend through a longer ordeal and being glad to have his phone back in his possession.

The next day, a police officer came to Nelson's office. “I recognized him as the one who handled my phone case,” Nelson said. “I thought he had come for the same issue, but I was shocked to learn that my same friend had lodged a complaint that I had been forcing him into having sex with me and that was why he took my cell phone.” The police then opened a case against Nelson. The police officer reminded Nelson of how serious a crime homosexuality is, and assured him that he would never win the case in court – especially since he was not yet married, despite being of age. The officer then made a proposition.

“However,” the police officer offered, “I can help you if you cooperate.” He claimed he could persuade Nelson’s friend to drop the case, and he could then get rid of the file if Nelson were to pay about MWK 150,000 (\$1000 US) for the officer and Nelson’s friend to share between them. Nelson paid, and the friend never came to the house again.

After a couple of weeks, the friend appeared and apologized for what had happened, but defended his actions by saying that he was bitter with Nelson for reporting him to the police. The friend then claimed that the police officer was demanding more money, threatening to have both of them prosecuted if the demands were not met. He advised Nelson to give the officer the money, and Nelson did.

After several months, the police officer called Nelson from an international line. He is believed to have been in South Africa, and told Nelson that he had resigned from the Police Service and was now doing business. However, the Officer-in-Charge at the station in Malawi had come across the file and was eager to follow it up. The former police officer told Nelson, “I have negotiated with the Officer-in-Charge not to go ahead with the investigations and have agreed on a certain amount to give him. I am coming to Malawi tomorrow – please be ready with the money, otherwise things will not be fine.”

“I did not know what to do,” Nelson recounted, “I felt the world crumbling down on me. I however decided to tell one of my friends, who suggested that we meet the police officer together.” When the two met the police officer, he repeated what he had told Nelson and added that the Officer-in-Charge had given them a deadline of the next day. He described how he got into trouble for not following up on the allegations a long time ago. Nelson agreed to pay, but demanded that they do so in the presence of the Officer-in-Charge and the friend who was present. The police officer tried to explain how impossible this would be, but the two still insisted. The police officer then suggested that he would consult the Officer-in-Charge first and that he would come back to them later. He left, and that was the last Nelson saw or heard of him. Nelson later found out that there was never such a file opened against him.

The police are often the point of first contact for those who find themselves being blackmailed, but others in the justice system may also abuse the law and their position to victimize gay and bisexual men. For George, the blackmailer was a court clerk, who was not very closely known to George. George recalled, “He came to me claiming that a man I had slept with had lodged a complaint with the court about what we had done

and wanted me to be prosecuted.” The clerk demanded some money from George in order to remove the file in court. George paid him, but the clerk came again demanding more money. George realised now that this man was not going to get off his back.

George found himself in a difficult position. “Should I report to any one for help to get rid of this man?” he asked himself. He decided to take the risk in the hope that this would allow a lasting riddance of this unwelcome visitor in his life. “I sought advice from my boss and close friends.” George said. “They told me to inform the police first and then tell him to come into my office to get the money. He must have sensed something, because he refused to get into my office. He went away, never showed up again, and the case never arose in court.” It took courage and understanding from the people that George had asked for help to get his blackmailer to leave him alone. Not everyone has that kind of support from their employer and close friends – and when gay and bisexual men are blackmailed by those who are supposed to keep them safe, it is often difficult to know where else to turn. In spite of their victimization, they cannot seek any protection because they know it is very unlikely that the protection will come.

### **WHEN BLACKMAILED BY YOUR OWN KIND**

What happens when a gay person blackmails another gay person? Is it any easier to detect or deal with a blackmail incident when it involves another gay person? There is a relatively low rate of blackmail occurring between two gay people in Malawi, especially when they are both known to each other – they may see each other as being equal or having the same interests, may share the same social circles, or may be conscious that allegations of homosexuality could backfire and put the blackmailer himself at risk. Nevertheless, 24% of the victims surveyed were blackmailed by another gay person. These cases seem to have been motivated by jealousy or because the perpetrators did not want to directly ask for the money they needed for fear of being seen as a gold digger or a sex worker. Usually, the victims in such cases were older and appeared to have money. The perpetrators were usually younger and either unemployed or students, and usually demanded money from their victims.

Derek is one of the men blackmailed by another gay person. He arranged a date that eventually ended up at his office, where the two of them had sex. “Immediately after, he demanded for some money or else he would alert the security personnel and allege that I raped him,” Derek recalled. “I gave him a little but he demanded for more. I gave [it to] him and he left. I felt relieved,

but later felt cheated after hearing that he had held a party with the money.”

Vuto had a friend with whom he became intimate. The friend later introduced Vuto to one of his other friends, Mike. Vuto and Mike never used to meet or talk alone. One night, Mike called Vuto claiming that he needed a place to spend the night, since he was returning from somewhere and could not manage to make it home. Vuto took him in and the two of them shared a bed. Later, Mike started touching and caressing Vuto, and the two became intimate. “In the morning, he demanded that I give him cash or something of value – and if not, he will report to my family and work place,” Vuto said. “After some negotiations, I gave him what he wanted to seal his mouth.”

Thomas is 35 years old. He is fairly well-educated to the tertiary level and has a good job. One night, he made an advance to another gay man, Joe, at a drinking joint in Malawi’s commercial nerve of Blantyre. The two sought shelter within the place and, in seclusion, expressed their sexual feelings for each other through caressing. It was a brief encounter. Thomas suggested a lasting relationship, but Joe refused to go any further than that. They parted, only to bump into each other again in another town after about four months. Joe referred Thomas to another person, who was also gay, and the two of them had sex. Later, Joe and his friend confronted Thomas for taking advantage of them. They demanded money from him, saying that if he refused they would “report you to your church elders, parents or police.” They also threatened to beat Thomas up if he did not honour the demand.

Thomas was cornered. He could not contemplate being reported to his church. What would his church say about him? He also could not imagine his parents being told that their son was gay. In Malawi, these are not the kind of things you tell your parents. He also felt he couldn’t accept having his name reported to the police, and face being arrested and jailed for fourteen years. Thomas buckled and gave the two men the money they demanded.

Thomas still meets his “persecutors,” but now they have relented. In fact, they chat amicably when they meet. Thomas, however, remains constantly afraid that these friends of his will pounce on him again, demanding anything they might want from him, whenever they choose to do so. He is constantly worried about what they might do, especially since he cannot get rid of them for fear of upsetting them and getting himself into deeper trouble.

Another victim is Symon. He is happily married, has children, and he is gay. “There is this other gay young man who wants a relationship with me, [but] I don’t want him for some reasons,” said Symon. “However, this guy threatens that he will tell my wife and family about me if I do

not accept him or else be giving him some money. I give him the money whenever he demands it. I feel trapped in a cage,” Symon lamented.

Blackmail does not necessarily end when a relationship ends. One person was blackmailed by another gay person who was his former lover. The two had parted ways after a lengthy relationship, but the blackmailer started demanding money, and threatened that he would tell people – including the victim’s fiancée – that the two were once lovers. While some of these incidents seem to have been planned in advance, others appear to be the result of relationships that have become unsatisfactory to one of the partners, who then use the intimacy of their former relationships to their advantage.

### **WHAT SHOULD BE DONE?**

The bottom line is that gay people in Malawi have very little room to maneuver when they are confronted with threats of disclosure. If you are gay and live in a country that criminalizes homosexuality and in a community that regards homosexuality as immoral and unacceptable, you remain in the closet, afraid of reprisals from the law that criminalizes your sexual orientation. Yet people have the audacity to come and take advantage of you while in your closet. They know that you cannot report them anywhere. Even if you do, the authorities you speak to may not listen because you are classified as illegal – or worse, the authorities may themselves take advantage of you while you are seeking their help. When you are hunted by those who are angry, greedy, puritanical, or anti-gay, you are also unable to call upon your friends, family, or the police for assistance. The lack of options for gay Malawians means you suffer twice – or many times more.

What do the victims think should be done? 65% of the victims who participated in the survey suggested sensitizing the gay community on the issue of blackmail so that they should be better equipped to fight it off. They felt they needed to be able to detect a likely blackmailer well in advance, and before it becomes too late. A small number of participants called upon the gay community itself to be more open with each other so that sexual advances are made among people who really feel they are gay or bisexual, and not toward those who might abuse those advances to victimize their partner.

The law was a constant theme in cases of blackmail, which allowed false accusations, corrupt police officers, and abuses of the justice system to run rampant. Eighteen percent thought that decriminalizing same-sex activity would help, since the illegality of homosexuality in Malawi provides virtually unlimited cover for blackmail against gays in the country.

“I therefore think that the solution lies in repealing the penal code that criminalises homosexuality,” said one participant. It is far easier to fight off injustices in a society where everyone is accorded their full human rights and access to the law. Unless homosexuality is legalized in Malawi, gays will remain subjects of torture whether in or out of the closet.

There are others however, who have completely lost hope such that they do not think anything can be done. Twelve percent pointed out that it would probably be a waste of time trying to tackle the issue because they just do not see anything that can be done about it. To them, being gay will always make a person vulnerable to the abuses of others.

As an organization, CEDEP agrees with the idea of sensitizing the gay community on blackmail. It has become obvious from the study that the community knows very little about blackmail. The organization feels the community should be equipped with skills on how to detect and deal with a case of blackmail, and know what to do when they are being blackmailed. CEDEP also sees a need to build confidence in the gay community, which is part of the work it does.

Outside the gay community, CEDEP also feels there is a need to sensitize the police, who should be able to quickly and effectively provide recourse when someone has been wronged. The organization says it is necessary that the police should know the extent to which blackmail is happening among the gays in the country, and be reminded that it is their duty to serve all citizens, regardless of who or what they are. There is also a need to sensitize law enforcement personnel on the laws on blackmail and how they should be fairly applied. According to CEDEP, “Blackmail, no matter who suffers it, is a crime in the country. There is no law in this country that says that when a gay is victimized through extortion, he must not be helped because of his criminalized sexual orientation. If homosexuality is illegal, it does not mean that it is legal for anyone to victimize homosexuals.” Other NGOs should also speak out against victimization of gay people as most of the NGOs in Malawi tend to remain silent on such issues. By breaking the silence and raising awareness about blackmail in the gay community, these efforts can make it easier for victims to deal with blackmail and bring their blackmailers to justice.

## EXTORTION AND BLACKMAIL ON THE BASIS OF SEXUAL ORIENTATION IN AFRICA: A CASE STUDY FROM CAMEROON

Charles Gueboguo and Marc Eprecht

### INTRODUCTION

Evidence of blackmail or extortion on the basis of real or perceived sexual orientation in Africa can be found in colonial records dating back over a century. In the 1960s and 1970s, the police in Rhodesia (Zimbabwe) actually recommended liberalizing that country's laws against homosexual acts because the problem of blackmail – of whites by blacks – had become so widespread and politically embarrassing.<sup>1</sup> Yet today, homosexual practices remain illegal in roughly thirty-eight countries throughout the continent. Laws that were mostly inherited from the colonial era provide the basis for a surge in acts of extortion and blackmail against people on the basis of their sexual orientation. For the most part, victims have no legal means to resist the threats posed against them – threats that often also imply job insecurity, family breakdown, physical danger and emotional upset or psychological troubles.

As suggested by police in Rhodesia fifty years ago, one of the main arguments in favour of the decriminalization of homosexual acts among consenting adults is still, therefore, that decriminalization would remove some of the tools and reduce the social stigma that enable extortion and blackmail on the basis of sexual orientation. This argument is in line with the general principles of the protection of human rights, as well as with the best practices for sexual health as advocated by the major international and African donors.<sup>2</sup>

As a contribution to those goals, and to put a human face on the victims of these under-investigated crimes, the International Gay and Lesbian Human Rights Commission commissioned the following case study from Cameroon. It asks: What meanings do individual victims give to the lived reality of extortion and blackmail? How do they cope with the situation? Do they call for help – if yes, to whom, and if no, why not? What strategies or networks do they have in place, and how do they operate? While we did not conduct

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1 Eprecht, Marc, *Hungochani: The History of a Dissident Sexuality in Southern Africa* (Montréal: McGill-Queen's University Press, 2004).

2 Jürgens, Ralf, Jonathan Cohen, Edwin Cameron, Scott Burris, Michaela Clayton, Richard Elliott, Richard Pearshouse, Anne Gathumbi, and Delme Cupido, *10 Reasons to Oppose Criminalization of HIV Exposure or Transmission* (New York: Open Society Institute, 2008); Johnson, C.A., *Off the Map. How HIV/AIDS Programming is Failing Same-Sex Practicing People In Africa* (New York: IGLHRC, 2007).

research among the perpetrators of extortion and blackmail, can we impute anything about their motives and attitudes from the victims' perspectives? Does the evidence from a specifically African context provide support for the arguments in favour of human rights for sexual minorities, and for best practices for sexual health that are grounded in experience gained elsewhere?

## METHODS

The homosexual population in Cameroon remains relatively understudied.<sup>3</sup> Stigmatized, marginalized, stereotyped, secretive, and justifiably suspicious of enquiry, the homosexual population presents formidable obstacles to the kind of research undertaken here. For this study, a combination of qualitative and quantitative methods was designed to address those obstacles. Quantitative data provided a demographic snapshot of the people affected, from which we could adduce factors that might be influencing their experience (age, religion, employment and such). This data allowed us as well to assess how strongly people felt about certain issues, how common or rare certain types of incidents were, and how lived experience measured against popularly-held stereotypes.

The quantitative data in turn raised questions that could then be substantively followed up through qualitative methods. These included in-depth key informant interviews, analysis of popular media, and participant observation. Where gaps still remained, we turned to secondary literature from elsewhere in the region for potential explanations. In short, the two approaches – quantitative and qualitative – complemented each other.<sup>4</sup>

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- 3 Important pioneering works include Terroirs: *Revue Africaine de Sciences Sociales et de Philosophie*, "L'homosexualité est bonne à penser" *Dossier Special*, 1-2 (2007); Gueboguo, C., "Pour une lecture revue et corrigée de l'homosexualité dans la pensée doxique africaine: Impacts, dérapages et risques," *L'Arbre à Palabre. Culture et Développement* 20 (2007): 14-51; Gueboguo, C., "La problématique de l'homosexualité en Afrique: L'expérience Camerounaise," *L'Arbre à Palabre. Culture et développement* 19 (2006):18-59; Gueboguo, C., *La question homosexuelle en Afrique. Le cas du Cameroun* (Paris: l'Harmattan, 2006).
  - 4 Methodology is discussed in similarly focused research projects, including Epprecht, Marc, "The Gay Oral History Project: Black Empowerment, Human Rights, and the Research Process," *History in Africa: A Journal of Method* 26 (1999): 25-41; Niang, Cheikh Ibrahim, Moustapha Diagne, Youssoupha Niang, Amadou Mody Moreau et al., "It's Raining Stones: Stigma, Violence, and HIV Vulnerability Among Men Who Have Sex With Men in Dakar, Senegal," *Culture, Health, and Sexuality* 5/6 (2003): 499-512; Attipoe, Dela, "MSM and HIV in Ghana," *The Gully*, 2004, at [www.thegully.com/essays/gaymundo/0403\\_gay-men\\_hiv\\_ghana/msm\\_ghana\\_intro\\_summary.html](http://www.thegully.com/essays/gaymundo/0403_gay-men_hiv_ghana/msm_ghana_intro_summary.html), accessed 28 August 2006; Morgan, Ruth and Saskia Wieringa (eds.), *Tommy Boys, Lesbian Men and Ancestral Wives: Female Same-Sex Practices in Africa* (Johannesburg: Jacana, 2005); Yeka, W., G. Maibani-Michie, D. Prybylski, and D. Colby, "Application of Respondent Driven Sampling to Collect Baseline Data on

The quantitative survey came first, and was conducted from February to May 2008 in the two principal cities of Cameroon, Douala and Yaoundé. Following a call for applications posted through the electronic network of the association Alternatives-Cameroon, four research assistants – three male and one female, two for each city – were hired. They received a day of training to familiarise them with the objectives of the study, a short course on human subject research ethics, and a brief overview of basic techniques of survey-based research. The criteria for eligibility for the research assistants was that they be at least twenty years old at the beginning of the enquiry and possess at least a secondary level of education. This implied fluency in French, the language in which the research was to be conducted. Because the context of political homophobia and evident widespread distrust or fear of the state in the homosexual community in Cameroon, the candidates also had to show proof of prior involvement and good standing in that community.

The criteria for eligibility for the respondents were that they self-identified as one or the other of the following categories: homosexual, bisexual or transsexual. We acknowledge that these terms are debated in the theoretical literature on sexuality in Africa. They have been imported from the West and may introduce deceptively neat lines delimiting human sexuality. In theory, they may also introduce assumptions about fixed identities that are insensitive to indigenous or traditional concepts and practices. In practice, however, the terms are widely understood and used within the homosexual community in contemporary Cameroon. For the purposes of argument in the present study, people who initially identified themselves by different terms – lesbian, gay and MSM (men who have sex with men), notably, but also nkouandengué, the local word to designate homosexuality – were invited to fit themselves into one of the three offered categories, which they did in every case without any controversy.

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FSWs and MSM for HIV Risk Reduction Intervention in Two Urban Centres in Papua New Guinea,” *Journal of Urban Health: Bulletin of the New York Academy of Medicine* 83.7 (2006): 60-72; Allman, Dan, Sylvia Adebajo, Ted Myers, Oludare Odumuye, and Sade Oguniola, “Challenges for the Sexual Health and Social Acceptance of Men who Have Sex with Men in Nigeria,” *Culture, Health and Sexuality* 9.2 (2007): 153-168; Jewkes, Rachel, K. Dunkle, M. Nduna et al., “Factors Associated with HIV Seropositivity in Young, Rural South African Men,” *International Journal of Epidemiology* 35 (2006): 1455-1460; Broqua, Christophe, “Transactions sexuelles: sur les rétributions des pratiques homosexuelles à Bamako,” *Canadian Journal of African Studies* 43/1 (2009): 61-83. The terminology and theorization of key concepts used here draw upon Bozon, M., “Les cadres sociaux de la sexualité,” *Sociétés Contemporaines* 41-42 (2001): 5-9; Gays and Lesbians of Zimbabwe (GALZ), *Unspoken Facts: A History of Homosexualities in Africa* (Harare: GALZ, 2008); Ann Arbor: African Books Collective; and *Outliers*, “Theorising (Homo) Eroticism in Africa” (2008): 1.

The respondents had to have resided in one of the two cities for at least six months. Most importantly, they had to have already been victims of blackmail or extortion on the basis of their sexual orientation at least one time in one of the cities under study. A respondent could only respond to a single questionnaire.

The recruitment of research subjects in Douala took place primarily in two meeting spots: at a “gay-friendly” nightclub, and at a lakeside socializing and cruising spot known as “grain,” identified by the association Alternatives-Cameroon. For Yaoundé, recruitment was done by telephone from among people taking part in a social network linked to the first respondents in Douala. They were then directed toward secure places to meet: either the house of one of the first gay respondents, or a “gay-friendly” café owned by a gay proprietor. The meeting in the latter took place at a slow time of business in a corner, sheltered from view from the public space.

Ultimately, the survey sample involved 214 respondents, of whom 171 were men and 43 were women. The total number of respondents from Douala was 113, while that of Yaoundé was 101. A slight disparity occurred among the group of women, who were more represented in Douala (25) than in Yaoundé (18).

The questionnaires were not administered until the research assistant had obtained clear verbal or written consent from the respondent after the research objectives and limitations had been clearly explained. The majority opted for verbal consent. For reasons of personal security, these respondents chose not to leave any written trace of their participation in the study. Indeed, Cameroon has been experiencing an increasingly tense and dangerous situation since the end of 2005, with recurrent arrests and harassment of people suspected of homosexuality. The identity of the research assistants has been concealed for the same reasons.

To further our understanding of the figures generated by the quantitative survey, we followed up with in-depth interviews of five randomly chosen homosexual men – three of whom resided in Douala, and two in Yaoundé. The interviews took place near the end of the quantitative survey in April and May 2008. Informants gave us permission to call them up at any time to request further information or clarification if necessary, provided that identities would be concealed on all documents and electronic correspondence. Empirical observation of day-to-day interactions among the research subjects, the wider community and the police, plus monitoring of local media coverage of the issue, further enriched the qualitative side of the study.

The initial results of the quantitative survey were presented to a general assembly at Alternatives-Cameroon in May 2008. Present in the room were people who had participated in the survey, either as research assistants or as subjects, as well as other interested members of the community. The findings were well-received, and the responses of the audience focused primarily on how the findings could be made to serve the community. The implicit question was how to develop strategies to prevent extortion and blackmail on the basis of sexual orientation, as well as how the community might develop effective means to fight against this kind of victimization. Participants hoped that the data could be used to renew and reinforce an existing initiative – a warning system via the Internet network of Alternatives-Cameroon. Participant observation of this feedback session rounded out the qualitative side of the research.

### WHO WERE THE PARTICIPANTS?

The figures gathered through the quantitative survey were analysed using the computer software program SPSS 13.0. This allowed us to illustrate the socio-demographic characteristics of the survey participants as follows. This data indicates who was included in our sample and where our findings might be most relevant, and is contextualized against statistics published about the whole population.<sup>5</sup>

#### Table 1: Distribution of Respondents by Age

The sample group was young, with a median age of 25 years old. The youngest of the sample was 17 years old while the oldest was 40.<sup>6</sup> The cohort of 21-30 years was the largest, comprising 79% of all the respondents. There was no observed disparity between the two cities, but a slight disparity was seen between the women and men. Among the women, 88% fell into the age category of 21-30, with their median age at 26 years. The results of this survey thus apply, almost exclusively, to the category of “youth”:<sup>7</sup>

5 Central Intelligence Agency (U.S.A.) “Cameroon,” *The World Factbook*, at <https://www.cia.gov/library/publications/the-world-factbook/geos/cm.html>, accessed 14 September 2010.

6 The survey used a convenience sample, a technique which is optimal for reaching populations that are marginalized or difficult to access. While the sampling was oriented toward those who were over the age of 18, one respondent who described their experience being targeted by a blackmailer was 17 years old. The response was included to portray the results as accurately as possible. The numerous techniques employed to anonymize the findings of the survey ensure that the respondent is not identifiable and has not been put at risk by the inclusion of the response in the wider data.

7 All percentages in the charts in this chapter are rounded to the nearest tenth of a percentage point. Prior to rounding, all numbers add up to 100%.

AGE COHORT	FREQUENCY	PERCENTAGE
Less than 21 years	29	13.6
21-25 years	96	45.1
26-30 years	73	34.3
31-35 years	9	4.2
More than 35 years	6	2.8
<b>Total</b>	<b>213<sup>1</sup></b>	<b>100.00</b>

1 In each table where the respondents number fewer than 214, it is because there was no data available for the remainder of the respondents. The percentages are taken from the number of respondents who were able to answer each question.

### Table 2: Distribution of Respondents by Sexual Orientation

Nearly two-thirds of the respondents self-identified as homosexuals, a category which included gay men and lesbians. Self-identified bisexuals made up about one-third (34%) of the sample, with “bisexuals” including those whose primary identification was “MSM.” One person identified as transsexual. People who identified as homosexual were slightly more numerous among the men (67%) than among the women (58%). Across the sample, the totals were:

ORIENTATION	FREQUENCY	PERCENTAGE
Homosexual	140	65.4
Bisexual	73	34.1
Transsexual	1	0.5
<b>Total</b>	<b>214</b>	<b>100.00</b>

### Table 3: Distribution of Respondents by Level of Education

Overall, respondents had a middling level of education. Only 4% had stopped their formal education at the primary level, while 65% had had their last classroom experience at the secondary (high school) level. Nearly a third (30%) had some level of post-secondary education, well above the national average. Of the latter group, 60% had at least two years of undergraduate university. 29% were still in school at the time of the survey.

COHORT	FREQUENCY	PERCENTAGE
Primary	9	4.2
Secondary	139	65.3
Post-Secondary	65	30.5
<b>Total</b>	<b>213</b>	<b>100.00</b>

Within the sample, the women were less educated than the men. Most of them (38 out of 43) had some secondary school as their highest level of achievement, but only eight of those had reached their final year of secondary school. Only five among them (roughly 12%) were at the post-secondary level. The vast majority of the women (88%) were no longer studying.

#### Table 4: Distribution of Respondents by Occupation

With regard to occupation, three categories made up nearly two-thirds of the sample: pupil/student (29%), employed as office staff or teachers (24%), and commerce, including informal sector trading (13%). None of these are particularly well-paid. Indeed, most of the students were economically dependent on their families, and in the context of a generalized economic crisis, formal employment itself is highly precarious. At roughly 10%, the level of unemployment (no profession) in the sample, however, is strikingly low in relation to estimates for the population as a whole (30%).

PROFESSION	FREQUENCY	PERCENTAGE
No profession, unemployed	21	9.9
Pupil/student	62	29.3
Labourer	5	2.4
Staff employee	50	23.6
Manager	13	6.1
Professional	20	9.4
Artist	6	2.8
Other	6	2.8
Commerce	27	12.7
Health care	2	0.9
<b>Total</b>	<b>212</b>	<b>100.00</b>

The women's unemployment rate was higher than that of the men, which likely reflects their lower level of education. Yet even at 16%, the women's unemployment rate was still lower than the general population.

While only a minority of the respondents were professionals with (presumably) good and stable incomes, it is well known that several young homosexuals in Cameroon are supported by correspondents in the West, met in the majority of cases through the Internet. With the money they receive, they appear to lead a life of relative opulence, which can engender envy or misunderstanding among those without the same support. Seen from outside, one could easily be convinced that simply being homosexual brings money. Even within the Cameroonian homosexual scene, many believe “nkouandengué

brings wealth,” an attitude that may have its roots both in traditional beliefs<sup>8</sup> and in activities today that border on prostitution. Some informants spoke of homosexuality quite overtly as a monetary or money-earning activity, for example, “the business of nkouandengué is tough,” “I earn my money by the sweat of my buttocks,” “the market [for cruising] was not good today.”

Indeed, there is a popularly-held perception of homosexuals as an economically privileged group in Cameroon, including a suspicion that homosexuality is a means to attain material wealth. Whether or not this is true, the low unemployment and appearance of financial stability of the sample may be one reason why they had been targeted by blackmailers and extortionists. Alternately, from a sociological perspective, the data might suggest that respondents who had employment were simply more inclined to self-identify as homosexuals than those with no employment. Although none of the respondents described themselves as out in a public manner, their financial autonomy may have given them some confidence to associate with other homosexual people and organizations and come out in a confidential survey.

### Table 5: Distribution of Respondents by Relationship Status

None of the respondents were married to a partner of the opposite sex – and this is unusual in Cameroon, where maintaining the public appearance of heterosexuality is so important. Yet, while none of the respondents were in a heterosexual marriage, many of the men had girlfriends, and many of the women had boyfriends with whom they went out in public. This conforms to the hypothesis that homosexuality is commonly “bisexualised” in Cameroon – that is, homosexuals hide their sexual orientation behind a mask of performed or assumed heterosexuality.

RELATIONSHIP STATUS	FREQUENCY	PERCENTAGE
In a couple (living together)	46	21.7
Unattached, but with a regular partner	80	37.7
Unattached	86	40.6
<b>Total</b>	<b>212</b>	<b>100.00</b>

Homosexual relationships broke down as follows: In both cities, 41% overall lived alone without a regular partner. Among women, a clear majority lived this way (59%). At 22%, the percentage of couples living together as

8 For example, “wealth medicine.” See Tessmann, G., “Homosexuality Among the Negroes of Cameroon and a Pangwe Tale,” trans. B. Rose, in *Boy Wives and Female Husbands*, ed. S.O. Murray and W. Roscoe (New York: St. Martin’s Press, 1998 [1921]).

homosexual lovers may seem high given the context of widespread hostility to homosexuality. But almost all of these couples were men who “passed” in the public eye as just friends, family or as sharing accommodation for purely economic reasons. Co-habitation for economic reasons is so common that it did not in itself raise suspicions that a sexual relationship was involved.

Another important relationship that came out of the survey was between the respondents and dependent children: 21% of the respondents had children with whom they lived, presumably (as is the norm in Cameroon) as the biological parent. Among those who responded to the question about their parental status, 67% were bisexual, but a minority of self-identified homosexuals also had children living with them as dependents (27%).

### Religion of Respondents

The survey asked about religious affiliation. Throughout Africa, religious leaders are among the most vocal and incendiary homophobes and, as a result, it is commonly assumed that homosexuals are therefore alienated from faith communities. In fact, religion remained a strong presence in the life of a large majority (89%) of the respondents. The faith communities to which they did belong – which were disproportionately Christian in relation to the general population – do indeed tend to explicitly denounce or prohibit homosexuality, and Cameroonian religious leaders have strongly supported the homophobic rhetoric of the state since 2005. Affiliation with these faiths played a contradictory role in respondents’ lives; on the one hand, they often provided a sense of community and spiritual comfort, while on the other, they reinforced a profound sense of shame or vulnerability.

In sum, respondents to the survey tended to be young; somewhat but not significantly better off financially and better educated than the majority of the urban population; passing as heterosexuals either through their roles as parents or by maintaining opposite sex partners (with or without a sexual relationship); and maintaining public attachments with institutions that were often explicitly homophobic, such as Christian churches. While respondents had sufficient self-confidence to come out to trusted researchers, as a group they were clearly committed to keeping their sexuality a secret from a wider public.

### WHAT TYPES OF INCIDENTS DO VICTIMS EXPERIENCE?

Respondents in Cameroon experienced diverse forms of blackmail and extortion as a result of their sexual orientation.<sup>9</sup> The most common (44%)

9 From the legal point of view, extortion is distinct from blackmail. Extortion typically

was the threat of being outed or exposed to their families. This type of situation is extremely delicate, as individuals face the risk of being rejected or expelled from the family unit – something that reportedly happened to a fifth of respondents (21%). In the Cameroonian context, where there is minimal social welfare and a heavy reliance on extended families and kin networks, this kind of family ostracism can be a devastating blow.

One example of such a case comes from Raoul, an informant living in Douala.<sup>10</sup> Raoul is 21 years old and lives at his uncle's house with his cousins. His mother lives in France. On multiple occasions, his cousins overheard Raoul's telephone conversations with his boyfriend. After they made several demands for money to buy their silence and Raoul repeatedly refused to yield to their threats, one of them took the initiative to reveal his suspected homosexual orientation to his mother. As Raoul recalls:

My mother told me that she had heard that I was hanging around gay-friendly places in Cameroon. She told me that she would never have imagined that she could have given birth to a boy who would let himself be fucked by another man. And that if that was so, then I better start to forget her or that I stop... that I take my life in my own hands since she is already prepared to forget me... She told me I was going to leave my uncle's, that I was not going to remain in their family, she does not want the shame... I denied everything. She asked me if women didn't interest me, I was obliged to tell her, "yes, they do..." (Raoul, Douala, 21 years old)

The threat of disclosure to family is only effective among those who have not yet come out (or, more commonly, been outed) to those the blackmailer threatens to tell. Similarly, the threat of disclosure to the police (38%) is most powerful when the need to keep homosexuality a secret is strong:

I met a guy through the Internet site "123 Love." We went to his room. He told me that it was his room and we only flirted. As it was getting late, I stayed to sleep at his place. To my great surprise,

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involves the threat of physical harm, whereas blackmail entails the threat of exposure of a presumably damaging secret, which may be legal if unaccompanied by a threat. The study did not ask whether this distinction was significant to the victims, and informants said nothing to suggest that one type of threat was more or less feared or effective than the other. Indeed, as discussed below, extortion and blackmail seemed to occur together in most cases.

10 All names are pseudonyms, chosen by the informants themselves.

at around five or six in the morning, two people abruptly entered the room asking what two boys were doing naked on the bed, although we were covered and dressed. I got up and it was at that moment that I noticed that Patrice had placed unrolled condoms at the side of the bed. They asked me to give them something, if not they would take me to the police... (Black, Douala, 24 years old)

Disclosure to the police, however, does not simply mean a risk of public humiliation – it could also lead to immediate arrest:

I was questioned by cops in civilian dress in front of my bar while a friend was organizing his birthday ... I noticed that it was my own boyfriend who went to see these police, telling them that I organized a gay marriage and that I had a White who gave me lots of money... I was held in a cell for three days... My boyfriend gave witness against me by saying that he was my wife and that it was me who fucked him... (Michael, Yaoundé, 28 years old)

The threats of disclosure are almost always accompanied by verbal aggression (69%), the systematic confiscation of material goods of the victim (12%), or the demand to submit to non-consensual sex (12%).<sup>11</sup> The law is commonly invoked as a pressure tactic:

They say: “the faggots of Cameroon, they are going to catch them, so then, is what they say true? You know that it’s forbidden by the new Code, no?”<sup>12</sup> That was a way to provoke me to negotiate. (Black)

A friend owed me 5,000 FCfa<sup>13</sup> that he didn’t want to give back. I went to his house and I took his shoes as a collateral. He threatened [to] give me a thrashing and told the guys of the neighbourhood that I was a faggot. He turned them against me. One evening, they came into my room. They broke the door and started hitting me saying I was a faggot and that they were going to tell the police. They claimed

11 Where money was demanded, the demands were often extreme. In a case discussed below, the demand amounted to roughly five times the yearly income for someone earning the national minimum wage.

12 The “new Code” is a reference to the revised Constitution of 1996.

13 In November 2008, 540 FCfa was approximately \$1 US. In Cameroon, 5,000 FCfa would be equivalent to a bit more than a week’s pay at the national minimum wage.

that they saw me kissing someone. After, it was no longer the police they wanted to call; they started to beat me up and began taking everything that interested them in my room... Another time, we had gone out with a bunch of friends. When we came back later, the same guys from the neighbourhood threatened us. They said, “it’s you faggots who are spoiling Cameroon, we are going to kill you...” They took our money, our cell phones. They brutalised us and said that they were going to rape us, saying since it’s the penis we were looking for, they were going to give it to us in spades... There were three of us...” (Alex, Yaoundé, 20 years old)

From the informants’ descriptions, we found that blackmail or extortion attempts tend to follow a quite predictable script – above all when they result from encounters on dating sites on the Internet:

Firstly, homosexual encounters through the Internet are often initiated on a dating site for heterosexuals called [www.123.love](http://www.123.love). This is a free site, as opposed to the majority of gay sites that must be paid for. But homosexuals go to a service directed at heterosexuals not only to save money. It is also because of their widespread belief that the majority of people who pass as heterosexual are not so in reality – they simply have not yet experienced homosexual love. With [www.123.love](http://www.123.love), one can expand the network of potential lovers. Heterosexuals allow themselves to be seduced on the site because they are convinced that homosexuals (or *pédés*, to use their derogatory terminology) have a lot of money. From homosexuals, therefore, we see tactics of recruitment and the appropriation of heterosexual space, while from non-homosexuals, we see the anticipated exploitation of those with (imagined) greater material resources. Both approaches are based on myths and stereotypes that are at least partially grounded in reality.

After the first few exchanges on the Internet, a rendezvous is set up for late in the night. In all the cases that we recorded, the future victim traveled to meet the perpetrator, and not the other way around.

After our chat on the net, he gave me a meeting place at his place beside a drugstore. He told me that he would take me in... That was good for me because I was still living at my parents’ and I was still in the closet and discreet... (Raphaël, Douala, 28 years old)

The first sexual contacts take place in the bedroom of the perpetrator,

who takes care not to lock the door. After a certain amount of time passes with the two of them together – typically more than an hour – the victim becomes trusting, and he or she decides to spend the whole night. At an agreed moment, accomplices then noisily burst into the room of the lovers. There are typically more than two accomplices, leaving the victim outnumbered.

After numerous threats – of denunciation to the police or neighbours, or to be beaten or raped – the victim is ordered to write down a version of facts that emphasizes (or falsely admits to) a situation which incriminates them. This is then followed by confiscation of the victim’s material goods – for example, a mobile phone, jewelry, or money:

They told me to write a letter that they found me on the bed naked with a young boy... Patrice left with my bag after rifling through it... They took my cell phone...” (Black)

Once written, the letter serves as a tool to extract money from the victim on an ongoing basis. The attackers asked for sums ranging as high as 1,500,000 FCfa. If the victim cannot produce the requested amount, he or she is threatened with disclosure to the police:

I told them that I only had 2,000 F on me, which they took but they said it was too little. They said that if I didn’t give them at least 40,000 F, they were going to give the letter to the police... (Black)

They entered roughly into the bedroom and threatened me... they told me that if I didn’t give them between 40,000 and 70,000 F they were going to tell the police... (Raphaël)

The table below summarizes the types of incidents experienced by respondents (represented by N). Since many respondents had multiple responses (indeed, respondents reported an average of two and a half incidents each), we distinguish between each type of incident in relation to the total reported incidents (percentage of the sample), and each type of incident in relation to the number of people interviewed (percentage of observations). Hence, roughly 38% of respondents experienced being reported to the police, which amounted to 15% of the total number of incidents. Roughly 12% of victims reported being asked for sex in exchange for silence, which amounted to just 5% of all reported incidents.

**Table 7: Types of Incident Experienced by the Respondents**

TYPE OF INCIDENT	RESPONSES		
	N	% of sample	% of observation
Disclosure to the police	78	15.2	37.9
Disclosure to family	90	17.6	43.7
Disclosure to landlord	28	5.5	13.6
Disclosure at workplace	18	3.5	8.7
To be fired from work	13	2.5	6.3
To be turned out from the family	44	8.6	21.4
Disclosure to school authorities	19	3.7	9.2
To be beaten for not surrendering money	30	5.9	14.6
Theft of material goods	24	4.7	11.7
Insult	143	27.9	69.4
Demand for sex in exchange for silence	25	4.9	12.1
<b>Total</b>	<b>512</b>	<b>100.0</b>	<b>248.5</b>

**WHO PERPETRATES BLACKMAIL AND EXTORTION?**

The majority of the perpetrators of extortion or blackmail are neighbours of the victims (56%), who for the most part operate on their own initiative or in collaboration with other homosexuals. Indeed, homosexual friends or partners were involved in extortion or blackmail in nearly a quarter of the incidents (23%). Michael, for example, was the victim of his partner, and Black was victimized by a homosexual partner whom he met on an Internet cruising site. The fact that homosexuals' own friends and sexual partners were responsible for blackmail in nearly a quarter of the cases shows that heterosexuals are not the only ones who believe the myth that gays as a group have a lot of money.

**Table 8: Sociological Profile of the Blackmailers and Extortionists**

BLACKMAILERS OR EXTORTIONISTS	RESPONSES		
	N	% of sample	% of observation
Homosexual friend	49	14.1	23.4
Neighbour	118	33.9	56.5
Classmate	40	11.5	19.1
Police	40	11.5	19.1
Sexual partner	11	3.2	5.3
Former sexual partner	33	9.5	15.8
Work colleague	16	4.6	7.7
Family	41	11.8	19.6
<b>Total</b>	<b>348</b>	<b>100.0</b>	<b>166.5</b>

According to informants, perpetrators mostly fall into the same age group as the victims – that is, 20 to 34 years old. They often operate

together, and in certain cases the police are directly complicit in their crime:

I finally understood that it was my boyfriend who went to see the police and who told them that I had a White who gave me lots of money. It was because of that that they told me to watch my words... The police demanded that I give them 1,500,000 for them to let me go... (Michael)

The vulnerability of homosexual, bisexual, and transsexual people in Cameroon is also evident in the frequency with which they are victimized. Experiences of blackmail and extortion are commonplace: 30% of respondents had already been victims of threats or of extortion more than one time. Michael, for example, had had two experiences of an extortion attempt. Each time he spent more than a night in jail. He owes his survival to the support of a sister whose husband is a colonel in the Cameroonian army. Alex as well has been the victim of “regular” blackmail and extortion from his neighbours.

### **WHAT MOTIVATES BLACKMAIL AND EXTORTION?**

Greed provides the most obvious motivation to blackmailers and extortionists, and the illegality of same-sex activity supplies them with the principal means to seize their payoff. According to respondents, however, greed was not the only factor. Extortion and blackmail were also thought to be motivated by the feeling of envy from other homosexuals (64%), meaning a desire to bring down or humiliate rivals. Ignorance (61%) and incomprehension (67%) from the neighbourhood community were also mentioned, as was unwillingness to comply with demands, notably in cases where the victim refused to have sexual relations with the perpetrator (61%). Indeed, participants discussed cases of former sexual partners who adopted the role of extortionists or blackmailers because of the victims’ refusal to continue or renew sexual relations (46%). As for the police, 37% of informants believed that they react the way they do when suspected homosexuals refused to give them bribes – particularly for unrelated issues such as traffic violations, a common form of corruption.

From all of the above, it is clear that homosexuals in Cameroon are often victims of the myths that surround what they do and who they are, myths sometimes shared by homosexuals themselves. In the newspaper and on the streets, it is common to hear homosexuality associated with witchcraft or pedophilia. People attribute homosexuals’ possession of money to their mysterious practices. Another common belief is that they are agents of

Western cultural imperialism. This in turn would be linked to other evils widely blamed on structural adjustment policies and Western support for neo-colonial elites: impoverishment, underdevelopment, embezzlement of public funds, and clientelism.

Stemming from these notions, homosexuals become scapegoats, and the battle against homosexuality becomes a way to expunge all other social evils. To go to war against “pédés” and lesbians – and to confiscate all their goods – thereby becomes an excusable (and even laudable) act of patriotism. Alex’s blackmailers told him as much when they said: “it’s you pédés, it’s you who are spoiling Cameroon, we are going to kill you.” To denounce, beat up, deny, chase away, or rape may be bad things in and of themselves, but as they say in Cameroon, you heal a pain with a pain. From this perspective, if the pédés who spoil the country could be wiped out of public spaces entirely, wouldn’t the country as a whole get better?

Such anxieties and phobias are rooted in and are exacerbated by the wider crises of society. As the old patriarchal order breaks down amid generational strains, disarray in heterosexual relationships, and loss of faith in political leadership, people turn to illusions of a lost moral order. In this context, it becomes legitimate to target those who visibly or symbolically flaunt that imagined moral order. An upsurge in homophobic articles in the media since 2005 both reflects and exacerbates these broader anxieties. It suggests that the problem of extortion and blackmail on the basis of sexual orientation may worsen if those broader anxieties about a society in crisis are not also addressed.

## HOW DO VICTIMS RESPOND?

When asked how they respond to being victimized and what impressions they had of the experience, many respondents admitted to being deeply discouraged and facing serious emotional and psychological consequences. Yet not a single respondent responded that they had reacted to their experience of victimization by going to the police. Some informants sought help from Alternatives-Cameroon or other sexual rights association, but none of the survey respondents thought to become more active in supporting those associations or their efforts as a result. Close to half admitted to giving in to their extortionists’ demands for money or sex (48%), but this is likely underreported. Indeed, with only 28% saying they refused to give in (and hence took the risk of exposure or violence), the claim of “no reaction” probably disguises the meaning “no resistance,” that is, keep a low profile and comply with demands if necessary, but ultimately hope the blackmailers go away.

**Table 9: Responses of Victims**

HOW DID YOU REACT?	RESPONSES		
	N	% of sample	% of observation
I gave money to buy silence	60	22.0	29.0
I agreed to have sex	39	14.3	18.8
I refused to give in to blackmail	58	21.2	28.0
No reaction	116	42.5	56.0
<b>Total</b>	<b>273</b>	<b>100.0</b>	<b>131.9</b>

The reticence is not hard to understand. Section 347 of Cameroon’s Penal Code states that “Any person who has sexual relations with a person of the same sex shall be punished with a term of imprisonment of five years and a fine of between 20,000 and 200,000 francs.” In Cameroon, individuals are often incarcerated on the mere presumption of homosexuality, particularly when they do not obviously belong to the elite class. The poor, working class and young people – that is, the majority of our sample – are especially vulnerable to harassment and imprisonment. Respondents know, even vaguely, that they stand little chance to get a fair hearing for any complaints:

I didn’t dare to lodge a complaint. I was afraid they were going to question me and that it would come out that I was gay. And that is not approved by the law, I would say that I would have risked being locked up in prison... (Alex)

Faced with the accusation of homosexuality, it is generally the accused who must supply proof of his or her innocence rather than the accuser having to furnish proof of his or her allegations. Cases were described where the victims of blackmail attempts were required to submit to anal examinations in order to establish whether they were homosexuals (and thus guilty of a crime worse than blackmail) or not. Confusion at this level between the act of sodomy – a practice that not all male homosexuals engage in and which is also practiced by some heterosexuals – and homosexuality as an identity or orientation is striking. It underscores the vulnerability of homosexuals to uninformed, prejudiced, or callous state officials and their interpretations of the law.

In the context, respondents felt it was better to remain quiet and suffer the consequences than to lodge a complaint to the police – that is, to risk almost certain disappointment, public humiliation, and possible further blackmail or extortion. Indeed, among those who had given money or conceded to having sexual relations to ensure silence, the threat of denunciation to the police was

the main motivation (58% and 54%, respectively).

But respondents did not only feel they could do nothing. They also felt they could tell no one. Since there are so few means of legal recourse against extortion and blackmail, respondents were asked to whom they first turned for help or to protest. Nearly half (49%) said “no one,” while about a quarter (26%) called their homosexual friends and only 11% their partner. The latter figure is probably so low out of concern not to incriminate a loved one. The apparent unwillingness of victims to seek assistance or redress from outside the homosexual community – through other friends, family, or the police – undoubtedly contributes to the invisibility of the issue in public discourse.

A final observation comes from a comparison of responses to blackmail and extortion by sex: the men admitted to giving into the pressures of fear more readily (40%) than the women (20%). The women are a bit more prone to claim resistance (44%) than the men (36%). There is also a significant difference between men who say they want to hide (22%) versus women who say the same (8%). Further research is needed to explain these differences, but it may reflect women’s intuition that society has a greater de facto tolerance – and the law has a greater de jure tolerance – of female homosexuality than of male homosexuality.

### WHAT WERE THE EMOTIONAL CONSEQUENCES OF BLACKMAIL AND EXTORTION?

Blackmail and extortion had a number of emotional or psychological consequences for respondents, including strong feelings of fear, trauma, and a desire to either hide or fight back. Given that a significant number of perpetrators were themselves homosexual, however, one unexpected finding from the chart below is the very low desire expressed by victims to denounce other homosexuals or otherwise exact revenge. One might explain this as coming out of a desire not to air dirty laundry or to keep such unpleasant facts quiet within the community.

**Table 10: Emotional Effects of Blackmail and Extortion for Victims**

REACTIONS	RESPONSES		
	N	% of sample	% of observation
Fear	81	20.4	40.7
Revolt	88	22.1	44.2
Trauma	49	12.3	24.6
Desire to flee to the West	92	23.1	46.2
Desire to denounce others	1	0.3	0.5
Desire to fight back	58	14.6	29.1
Desire to hide	29	7.3	14.6
<b>Total</b>	<b>398</b>	<b>100.0</b>	<b>200.0</b>

The most common response requires explanation. Nearly half of respondents reported that they wanted to flee to the West. Their thinking was that they would find more tolerance there, a belief widely shared in the homosexual scene in Cameroon:

I became mistrustful... truly, you can no longer meet people in your own country. It's frustrating since it was a gay who did this to me... [I]t made me want to go away... I tell myself I would live a lot better outside of Cameroon, in a country where there isn't all this [rubbish]... I don't have an exact country in mind, but I'm thinking of the West. You can make a hook-up at 3:00 in the morning, meet to fuck, and no one robs you or threatens you... My situation now inspires me a lot to leave, in the sense that I want to go somewhere to live my life fully... (Black)

What acts as a brake on immediate departure is the lack of financial means:

I wanted to quit the gay life in order to remain here... to start another life [in Cameroon], perhaps try to be hetero... I did not think about going to Europe because I don't have the means. If I did have the money, I would have thought about it because up there it's much better and there is freedom... (Alex)

A concern arose for us: does this idealization of the West among homosexual youth precede the desire to emigrate – that is, did the experience of blackmail simply reinforce or justify a pre-existing desire? Evidence supports this to some extent. Indeed, as among youth in general in Cameroon and many other African countries, political and economic uncertainties have given rise to new forms of resistance to “the system.” Emigration (or talk of emigration) to the West is a prominent way to express such resistance. Complaints about extortion or blackmail on the basis of sexual orientation may often be a specific pretext for a general, profound sense of the inhospitality of life in Cameroon today.

I have friends in Europe, they have often me invited to go there... I truly want to go there to finish my studies, to find work since here it's hard, and following that to return to the country... (Black)

The ostensible reason to emigrate is the wish to grow as individuals and

to freely develop one's sexuality, but an important and unspoken reason appears to be the mirage that Cameroonians often have of elsewhere. This mirage is sustained by the prestige and the anecdotes, whether true or false, surrounding those who have had the chance to go and return from the West. In Cameroon such people are given a nickname that shows respect and admiration – mbenguistes. In one of the local languages, mbengue indicates the country of one of the former colonisers – France, but by extension, all the countries of the Whites. Upon their return to Cameroon, mbenguistes often splash their euros around, bring gifts, and tell tall tales about the West to enchant their audiences. Even if they are often cheap, the flashy goods serve to confirm fabulous stories about the West. It is difficult to discern how much of the idealization of the West among so many homosexuals is based on their knowledge about sexual rights and freedoms there versus dreams of a materially easier life, naively shared with the population in general.

One interesting observation on this point is that a strong disparity exists among the research subjects in Douala (27%) and Yaoundé (60%) with regard to their stated desire to emigrate. An explanation may be found in the fact that in Douala, young people can more quickly find help in a local association that specializes in the defence of sexual minorities: Alternatives-Cameroon. This association works with a lawyer, Madame Alice Nkom, who is known to have more than once successfully defended homosexuals on a pro bono basis. When Raphaël was attacked and threatened, for example, he made a call to Alternatives-Cameroon, and influential members were able to intervene to reach an amicable deal with the extortionists. Douala is also the economic capital, and is a more favourable climate for sexual minorities than Yaoundé. It boasts the presence of a gay nightclub, of gay-friendly bars, and of several safe meeting places known by a large number of people in the homosexual community. There are also more opportunities for employment, which may offset the threat of losing one's job through scandal.

By comparison, Yaoundé is the political capital of Cameroon and the seat of its governing institutions. Corruption with a strong whiff of tribalism is the rule. Policemen are more vigilant and aggressive in prosecution when it is alleged homosexuality. Consequently, individuals there have a greater need to keep a low profile out of concern for appearances. Meanwhile, all of the consular representatives of the Western countries are nearby, lending support to the view – correctly or incorrectly – that in case of necessity, individuals could quickly escape there to request asylum.

A final notable fact that should be underlined is that there was not a single case of a respondent expressing the desire to commit suicide. This absence of a suicidal mentality is strikingly different from reports of growing up in homophobic environments in the West and Japan.<sup>14</sup> But it is similar to the low rate of suicide in Cameroon in general, and it allows us to underline the point that young homosexuals in Cameroon are part and parcel of the local cultural context.<sup>15</sup>

### HOW WOULD VICTIMS RESPOND TO FUTURE CASES OF BLACKMAIL?

The last question posed on the survey was how people who had been victims of blackmail or extortion would react to another attempt in the future. A very small number (6%) thought they would avoid attracting blackmailers' attention by being more discreet. A small minority confessed that they would likely meet their blackmailers' demands again (19%), while nearly half (48%) declared that they would refuse. It was not clear where the latter had gained their confidence in being able to stand up to any attackers in the future. Indeed, based on our observations of the police and media, this confidence may be misplaced.

**Table 11: Planned Responses to Future Incidents**

PLANNED RESPONSES	RESPONSES		
	N	% of sample	% of observation
Yes (will pay up)	38	17.0	19.1
No (won't pay)	95	42.4	47.7
I don't know	7	3.1	3.5
It depends	25	11.2	12.6
I don't see the importance of planning a response	47	21.0	23.6
I will be more discreet in the future	12	5.4	6.0
<b>Total</b>	<b>224</b>	<b>100.0</b>	<b>112.6</b>

However, the summary of survey results presented to members of Alternatives-Cameroon did seem to strengthen awareness of the need to

- 14 See, for example, Cochran, S.D. and V.M. Mays, "Lifetime Prevalence of Suicide Symptoms and Affective Disorders Among Men Reporting Same-Sex Sexual Partners: Results from NHANES III," *American Journal of Public Health* 90.4 (2000): 573-578; Hidaka, Y. and D. Operario, "Attempted Suicide, Psychological Health and Exposure to Harassment Among Japanese Homosexual, Bisexual or Other Men Questioning their Sexual Orientation Recruited via the Internet," *Journal of Epidemiology and Community Health* 60 (2006): 962-967.
- 15 Nantang, T., "Differential Responses to Disappearing Transitional Pathways: Redefining Possibility among Cameroonian Youths," *African Studies Review* 46.2 (2003): 13-36.

take preventative actions against extortion and blackmail in the future. Through electronic messaging, including texting via mobile telephones, members started to alert each other when extortionists were identified. The perpetrators' names and telephone numbers were sent out in the form of an alert to Internet meeting places, raising awareness that they posed a threat.

## CONCLUSION

A generalized crisis in Cameroonian society enables all sorts of abuses of human rights, including the mistreatment of sex workers, the old, the poor and the homeless, and other marginalized groups. In this context, extortion and blackmail of people on the basis of their sexual orientation may seem like a very small part of a much larger problem of widespread discrimination and social violence. Indeed, our study revealed the widespread belief that homosexuals were a privileged group, and on the elite side of society that is responsible for the wider malaise – a view that was even held by some of the homosexual informants themselves. Our research does not support that myth. On the contrary, most respondents had modest means and were highly vulnerable to threats to their dignity and economic well-being. Homosexual youth in Cameroon also seem to have found means of containing the frustrations arising from their sexual orientation that are not radically different from frustrations affecting youth generally. This includes living in a state of “zombification” as they wait for salvation from a Western benefactor or through an opportunity to escape to the West.

The targeting of homosexuals, bisexuals, and transsexuals is thus clearly a serious problem that feeds into a host of other social ills: police corruption, mistrust of neighbours, friends, and family, and a general sense of disillusionment that undermines the development of a vibrant civil society. Policies that reduce or remove the incentives for blackmail or extortion on the basis of sexual orientation – notably education about and decriminalization of same-sex sexuality – would therefore be of benefit not just to the people directly affected by those crimes. They would also likely have multiple positive effects for the whole of society.

## DEALING WITH BLACKMAIL - NOTES FROM A ZIMBABWEAN LAWYER

Derek Matyszak

### INTRODUCTION

As a lawyer affiliated with the LGBTI activist group Gays and Lesbians of Zimbabwe (GALZ)<sup>1</sup> since 1995, I have frequently had to deal with the issue of blackmail in my work.<sup>2</sup> In what follows, I set out some of the tactics and techniques that I have found helpful for dealing with blackmailers from this legal perspective. Obviously, the tactics deployed in Zimbabwe may not be applicable in other jurisdictions. Just as the responses to blackmail must be adjusted according to the perpetrator, the victim, and the relationship between them, so they must be adjusted according to the legal framework of the jurisdiction and what is thus at stake for those involved. In a jurisdiction where disclosure makes a victim vulnerable to death by stoning, there is clearly more at stake than where disclosure will attract unwanted outing or a small monetary penalty. The tactics in the latter instance will rarely apply to the former. In writing this chapter, I am acutely aware that dividing it under headings is misleading and suggests that dealing with blackmail is a science rather than an art. Almost all of the factors discussed below come into play concurrently rather than sequentially, and the weight to be accorded to each varies. This requires the exercise of discretion and judgement as to how each particular case should be handled.

Unlike other crimes, there is a unique conjunction of two factors which render any law against sodomy a “blackmailer’s charter.”<sup>3</sup> The first is the extreme moral indignation that many sectors of societies still reserve for this particular offence, which appears to be absent even in the case of serious crimes such as theft, rape or murder.<sup>4</sup> The second is the fact that the

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1 GALZ is aware that its acronym, formulated some time ago, omits bisexual, transgender, and intersex (BTI) persons. A change of acronym was considered undesirable, as “GALZ” now has some domestic and international recognition. The GALZ constitution, however, makes it clear that it supports and advocates the rights of BTI persons.

2 The term blackmail has been used as it is the one with which most readers will be familiar. In Zimbabwe the correct term is “extortion”. See the Introduction to this volume for a discussion of definitions.

3 The phrase “blackmailer’s charter” was coined to refer to Section 11 of the Criminal Law Amendment Act of 1885 in the United Kingdom – popularly known as the Labouchere Amendment – which criminalized the vague and expansive category of “gross indecency.”

4 The ambit of sodomy as a crime varies in different jurisdictions. In some, it specifically and exclusively refers to male-to-male sexual conduct and requires that there be, as the law delicately puts it, penetration per anum. This was the case in Zimbabwe before the

crime of sodomy is never a solitary activity – unlike, say, theft or fraud, where the perpetrator may seek to reduce the possibility of detection by carrying it out without witnesses or accomplices.<sup>5</sup> Thus, in the case of an act of sodomy, there is simultaneously a requirement for singular secrecy (predicated on social and juridical censure) and a sharing of that secret. Once disclosed, the holder of the secret is granted the opportunity to appropriate the force of the law for personal benefit. If the opportunity is taken, a discrete and intimate conspiracy of secrecy and silence may develop with the victim, a conspiracy on which the blackmailer thrives.

Another relevant factor which is peculiar to the crime of sodomy is that the question of whether the sexual contact is consensual or not does not prove or disprove an offence – unlike many other sexual offences, where the presence or absence of consent is of fundamental importance.<sup>6</sup> In the past, the fact that sodomy may not have been consensual was merely relevant to sentencing. In 2006, the Criminal Law (Codification and Reform) Act went into effect in Zimbabwe, which differentiated consensual and non-consensual sodomy under the law. Under this Act, consensual sodomy still constitutes an offence committed by both parties – while consent is relevant to the type of sodomy charge that a defendant faces and the penalty that is imposed, it does not affect whether they face a sodomy charge at all.<sup>7</sup>

The question of consent – that is, whether consensual or non-consensual sodomy is alleged – has an important impact on the dynamics between

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passage of the Criminal Law (Codification and Reform) Act, which restored the more encompassing definition of Roman-Dutch Law. In other jurisdictions, the crime of sodomy may also be committed by heterosexuals, and includes almost all sexual activity which does not lead to procreation – for example, anal and oral sex, regardless of the biological sex of those performing the act. This was the case with the legislation under consideration in *Bowers v Hardwick*, which the US Supreme Court found to be legally permissible in 1986. Their finding was overturned in *Lawrence and Garner v Texas* in 2003. For the sake of convenience, I shall use the term “sodomy” here to refer to any same-sex consensual sexual act, as it is such acts which are exploited most frequently by the blackmailer.

- 5 This was not always the case. The sin of onanism (masturbation), which fell into the same category as sodomy or *venus monstrosa* (unnatural vice), was punishable by death in early Roman-Dutch law.
- 6 This remains true even for some offences where the victim is deemed incapable of consent, as in cases where the victim is underage or mentally handicapped. In these cases, there will be an enquiry around these aspects precisely to determine whether the victim was incapable of consent, with the presence or absence of consent thus remaining a central feature of the offence.
- 7 The penalty is specifically stated to be the same as rape where consent is absent. In the case of consensual sodomy the maximum penalty is one year’s imprisonment – see Sections 66(2) and 73(1) of the Criminal Law (Codification and Reform) Act, Chapter 09:23.

the victim and the blackmailer. Most critically, the allegation of non-consensual sodomy reinforces the blackmailer's need to portray a scenario in which the victim is framed as solely responsible for the act. The need for this fantasy scenario is fostered by the fact that the crime of blackmail carries its own moral approbation, and the blackmailer often needs to exonerate himself from his own disapproval and the disapproval of others. The dynamics this creates allow the development of several defensive tactics outlined in this chapter.

Beyond these general factors regarding the crime of sodomy and how it creates a vulnerability to blackmail, there are many other factors that affect the power dynamic within individual cases. As a lawyer interviewing a target of blackmail, one is primarily concerned with assessing the nature and extent of the blackmailer's power, as this will determine the most appropriate response. This will be contingent upon a variety of factors: what is subjectively at stake for the victim; what the blackmailer currently perceives to be at stake; what led to the blackmail opportunity; the character of the blackmailer; and the character of the blackmail. While the tactics for dealing with blackmail differ from situation to situation, these factors provide a useful framework to formulate an optimal strategy.

### **WHAT IS AT STAKE FOR THE VICTIM?**

The weapon of the blackmailer is disclosure, but the nature of that disclosure varies. Generally, disclosure can be placed into two categories: first, disclosure of the victim's sexual orientation to some person or body to whom the victim does not want it disclosed; and secondly, disclosure to the police with the implication that criminal charges will result. The former is less often encountered, as it requires the blackmailer to have knowledge of the victim's personal circumstances – which do not typically arise in a casual encounter. It is, however, sometimes more difficult to deal with, as the juridical mechanisms available where disclosure to the police is threatened cannot be deployed. Regardless of the form that blackmail takes, one needs to assess, from the point of view of the victim, the repercussions of disclosure and the extent to which the blackmailer is aware of this.

### **Disclosure of Sexual Orientation**

The best counter to the threat of disclosure is either to be “out” or choose this moment to come out. If this is a possibility for the blackmail victim, several methods of dealing with the blackmailer are then available.

If the target is already out, the blackmailer should be made aware of this immediately. He<sup>8</sup> should be told that disclosure to the intended persons is not feared – and that it will not be treated as news by them, but as an attempt to extort money for which he will be made to face the consequences. It is also useful to point out to the blackmailer that it is not against the law to be gay, despite what is suggested by the hype in the media. Depending on the character of the blackmailer, both points can be made directly by the target to the blackmailer or conveyed in a formal legal letter – that is, a legalistic letter bearing the letterhead of a firm of attorneys.<sup>9</sup>

If the target is not out, one can assess whether it is possible for the target to neutralize the blackmailer's threat of disclosure by coming out. The choice of whether to come out (and to whom) involves a number of very personal considerations, and is best referred to LGBTI counsellors. Advising on this issue is usually not within the expertise of most lawyers. It is nonetheless important that the lawyer is not dismissive of the victim's fear of outing. The victim may fear familial disapproval, which can vary from mere disaffection to ostracism, expulsion from the home, or physical harm. In other instances, the victim's career or job objectively may be at risk if a disclosure is made. The lawyer must respect the subjective concerns of the victim, while at the same time forming some objective, if preliminary, consideration of what is at stake. Indeed, the lawyer may be able to qualify or dispel any unfounded fears of prosecution arising from disclosure, as LGBTI persons may believe the law to be more extensive in its reach than it is in fact.

Before referring the victim to a counsellor, it is necessary for the lawyer to make a frank assessment of the options, and to trace for the victim the most likely course of events pursuant to making any payment to the blackmailer. A lawyer needs to make the consequences of yielding to the blackmailer clear, without any attempt to minimise the possible repercussions. Frankness here will almost certainly heighten the distress of the victim and needs to be handled sympathetically. However, the victim needs to be aware that any worst fears in this situation may be well-placed, and they must make their decision

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8 The blackmailer has invariably been a male in the cases which give rise to this chapter. Although it is theoretically possible for the blackmailer to be a woman, in all cases, the blackmailer has been a man who has alleged homosexual sexual contact with the target of the blackmail. The victims I have dealt with as a lawyer have thus far been exclusively male. Sex between two women is no longer an offence in Zimbabwe – though the threat of disclosure, rather than criminal prosecution, may still suffice as a weapon of blackmail in the case of women.

9 Examples of the contents of such a letter are given below.

with an informed understanding of the situation they are in and the available options. The repercussions of yielding to a blackmail demand then can be weighed against any subsequent advice given by counsellors. Counsellors can then help to explore the likely repercussions of coming out in the victim's particular circumstances, allay unreasonable fears, provide coping mechanisms by reference to the past experience of others, and help the victim access support mechanisms. The target may well determine that coming out is the lesser of two evils – but in either case, they will be better equipped and supported as they make an informed decision.

An intermediate tactic may also present itself in situations where homophobia is not generalised and severe. If the blackmailer has threatened disclosure to a particular person or body, the counsellor may discuss with the victim the extent of coming out to that particular person or body only. It should be noted that unless the blackmailer has detailed knowledge of the victim's circumstances, he is unlikely to know which threats of disclosure would provide the most leverage over the victim. If a sympathetic response from the person or body targeted for disclosure is possible, the victim may come out to that person or body specifically to neutralize the threat. In the most favourable circumstances, the target of the disclosure can be enlisted for assistance when approached by the victim, counsellor, or lawyer. For example, the victim's employer might agree to write to the blackmailer, indicating an awareness of the victim's sexual orientation and demanding that the blackmailer desist from his behaviour. This targeted disclosure may then prevent disclosure to the company staff as a whole.

If the target is not out, but has considered the possibility and remains undecided, he may wish to keep his options open. The target may bluff by claiming to be being out already, and then deal with the consequences if the blackmailer calls that bluff. The blackmailer may decide that he does not actually have the weapon of disclosure and back off. Alternately, the blackmailer might decide to test the claim of "outness." The blackmailer ought to have been cautioned early, however, in the same way as suggested for an out person above, that the persons to whom he makes disclosure will treat the disclosure as a blackmail attempt and appropriate action will be taken. While this threat may be ineffective against a more skilled blackmailer who will test the "out" claim in a fairly subtle way – for example, by making an offhand comment in causal conversation and gauging the reaction – it does cause added difficulties for the blackmailer. The blackmailer has to

engineer an opportunity to do this, which may be difficult. Furthermore, even an offhand comment may precipitate disclosure, which would then disarm any further threat the blackmailer might make. The information about the target thus becomes useless to the blackmailer unless this disclosure can be contained and used as proof that the blackmailer will carry out threats of further disclosure to other people. The assessment of the difficulty this strategy might pose for the blackmailer depends upon the victim's particular circumstances and the ability and determination of the blackmailer.

There are two interrelated downsides to this “outsurance” as a defensive strategy against blackmail. The first is that, by being out, the mere threat of disclosure of sexual orientation no longer suffices for the purpose of blackmail. The second is that being known as LGBTI immediately identifies a person as a possible blackmail target. The blackmailer's threat cannot therefore be one of disclosure of sexual orientation alone, and may instead become a fabricated allegation of a sexual encounter – something that not only triggers social disapproval, but qualifies as a criminal offence. The fabrication will usually contain an allegation of non-consensual sex, since both parties commit an offence under the laws of Zimbabwe if the encounter is consensual. The Director of GALZ, for example, received a blackmail demand which explicitly threatened an allegation of non-consensual sex. The threat was made by an individual he had never met, who was simply aware of the Director's position and sexual orientation from press reports and could fabricate allegations based on this information. This threat of the allegation of a criminal offence then leads to a consideration of the second type of disclosure mentioned, the threat of disclosure to the police.

### Disclosure of an Alleged Offence

The blackmailer's threat of a report to the police immediately brings the issue into a juridical realm and presents opportunities for response that do not arise, for example, in the case of disclosure to family or colleagues. The availability of additional remedies can pose difficulties for the blackmailer that need to be fully exploited by those responding to the threat.

Of course, the threat of exposure to the police may coexist with a threat of exposure in more personal settings – the two forms of blackmail are not mutually exclusive. A victim may fear the disclosure of his sexual orientation that almost inevitably arises from prosecution more than the prosecution itself. Since this possibility only arises when the prosecution is underway, however, the blackmailer's threats are usually focused on the

initial disclosure to the police. It is best to keep any fear the victim feels regarding disclosure well-hidden from the blackmailer when responding so as to avoid unnecessarily boosting the blackmailer's confidence.

In cases of threatened reports to the police, the blackmailer faces two inherent difficulties. The first difficulty is that because consensual same-sex activity is an offence, the blackmailer will be equally guilty in any sexual encounter that has taken place between the two parties and that he threatens to report. The blackmailer thus feels compelled to change the narrative of the encounter to make it presentable to the police, and invents a fantasy that absolves him of any complicity. The constructed narrative will need to be one that negates consent or wilful action by alleging the use of force or loss of consciousness – whether induced by drugs, alcohol or, as in one reported case, the complainant simply being asleep at the time.<sup>10</sup> Given that his story is fabricated, the blackmailer is likely to feel less than secure in his position. Lawyers must leverage that insecurity by pointing out at the first opportunity that it is not merely moral opprobrium that attaches to the lie, but that making a false complaint to the police bears criminal sanction.

The blackmailer's second difficulty is that he has only one card to play – the threat of making a report to the police – and typically, he has little to gain by actually making this report.<sup>11</sup> When the threat is executed, the blackmailer loses his only bargaining chip. Moreover, the process is fraught with difficulty for the blackmailer, who must simultaneously avoid incriminating himself. The blackmailer can be reminded of these difficulties – which are exacerbated by his evidential insecurity – if he seems intent on carrying out his threat. The victim or their lawyer can exploit these weaknesses by responding with a lawyer's letter to the blackmailer containing a very clear description of the potential repercussions of such a threat. The typical contents of such a letter to a blackmailer, applying Zimbabwean law, is as follows:

- a. that the client has received demands for cash or goods and that the client and now lawyer have clear evidence of this – usually

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10 Usually, the blackmailer claims to have been forcibly anally penetrated by their victim. I am only aware of one bizarre instance where this was not the case, and only the victim was the recipient of anal sex. In this case, it was alleged that the blackmailer and victim had fallen into step on a dark road walking back from a bar on the outskirts of the town. They had moved off the road and engaged in anal sex. On reaching the town centre, the blackmailer then claimed shock and surprise when the lights revealed his sexual partner to be male. A complaint of sodomy on this basis was eventually made to the police.

11 The more experienced blackmailer will be aware, however, that he can still gain from the report to the police in instances where the police may effectively act as collection agents.

- in the form of a written demand; and
- b. that blackmail is a serious offence under the law and carries a sentence of two years imprisonment; and
- c. that consensual same-sex activity is regarded by the police as a minor offence with which both parties can be charged but carries only a small fine;<sup>12</sup> and
- d. that any further demand for money will be treated as an attempt to engage in blackmail and that a report will be made to the police.

The letter is backed by reasoning which emphasizes the precarious position of the blackmailer and the very real threat that their attempted victimization will backfire. It emphasizes the fact that the blackmailer seeks to involve the police when he himself is committing an offence. It plays into the blackmailer's insecurities by contrasting the clear evidence of blackmail against the fabricated claim of coerced sex. It raises a counter-threat of the possibility of two years imprisonment if things go wrong for the blackmailer as a result of his making allegations to the police.

Where the threat of allegations of non-consensual same-sex activity has arisen as a result of a consensual encounter, the blackmailer may gain some confidence knowing that he can, for example, describe the victim's bedroom or usually hidden features of his anatomy. In this instance – and only in this instance – is (c) in the list above mentioned. This then ignores the fantasy of coerced sex entirely and only allows that consensual sex might be under scrutiny – and implies that this holds no terror for the victim. The law is simply stated in the abstract, and no admission of consensual sex is made that might encourage the blackmailer. If the primary concern is to deal with the immediate problem of a particular blackmailer, it is important not to claim that blackmail has already taken place – despite the fact that it clearly has.<sup>13</sup> Although the letter should state that the client has received demands for cash or goods (for which there is evidence) it should not label this as blackmail nor refer to the party as a “blackmailer.” An unskilled and unsophisticated blackmailer may take even more fright than intended by the letter and believe that he is about to be charged with blackmail following

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12 Highlighting the relative seriousness of the two offences may not, of course, be an option in other jurisdictions where even consensual homosexual sex carries a more severe penalty than blackmail.

13 A more proactive approach attempted is detailed below.

a complaint by the lawyer. The blackmailer may then believe that his only option is to take pre-emptive steps and make his report to the police. It is thus necessary to emphasise that only a further demand for money will bring about a charge of blackmail, encouraging the blackmailer to drop the matter and desist with any threats.

It is then a question of who blinks first. The blackmailer is aware that his power derives from the threat of the report to the police, not the report itself. He generally has little to gain from actually making the report and becoming embroiled with the police and with the criminal process. The lawyer's letter will have made it clear that, indeed, he has the potential to lose a great deal.

In the vast majority of cases, a lawyer's letter to the blackmailer suffices as a deterrent. In a few isolated instances this has not been the case and the blackmailer has carried through his threat. This was not due to any inherent fault in the general approach but rather as a result of ill-advised handling of the blackmailer in the first instance – for example, when the blackmailer was initially dismissed out of hand and has then sought to reverse the slight and prove his power, or when the blackmailer does, in fact, have something to gain by making a report to the police. The latter instance has occurred in the case of a fairly sophisticated network of blackmailers targeting a group of victims who are known to one another. Under such circumstances, a report to the police in relation to one victim is intended to have a coercive effect on others.

As a coda here, it is worth noting that there are occasions when one's duties as a lawyer may conflict with broader LGBTI activism objectives. On one hand, any attempt at blackmail should be reported to the police as such, both as a matter of principle and to deter other potential blackmailers. On the other hand, the duty of the lawyer is to keep his or her client out of custody and to avoid prosecution when possible. Given the discriminatory manner in which the police often handle issues of this nature, it is usually desirable to avoid police involvement and to prevent the allegations being reported to the police. The circumstances of the particular case will determine which strategy is most legally and ethically sound.

## **DEALING WITH THE POLICE**

A victim of blackmail under threat of a false allegation of homosexuality to the police should be in no different a position than that of a person threatened with a false report of another crime – for example, of theft or fraud. The police should examine the report closely for credibility before taking any further action. Unfortunately, in a homophobic society, the police tend to

give credence to the person making the report of same-sex activity much more readily than is warranted – a fact of which many blackmailers are aware.

It is at this point that the genesis of the particular blackmail opportunity is of relevance. The blackmailer may simply be aware of or suspect the target's sexual orientation. Alternatively, there may have been an actual or attempted sexual encounter of some sort between the blackmailer and the target. The latter circumstance has benefits and disadvantages for the victim. The blackmailer may feel that his position is fortified by the possession of knowledge that he would be forced to fabricate if there had not been a sexual encounter. However, where the threat is to disclose the encounter to the police, in the case of consensual sexual encounters (those we are concerned with here) the blackmailer faces an immediate difficulty. He has also committed an offence and in order to make the encounter presentable to the police he is forced to construct a narrative of coerced sex.

While it may seem reasonable to challenge this narrative, if a sexual encounter has in fact taken place, caution must be exercised in doing so in the presence of the police. In trying to expose the lie, the victim may confirm or reveal facts that the police perceive as supporting the blackmailer's story. In addition, by pointing to flaws in the narrative, the blackmailer (and police) may simply adjust the account accordingly prior to any court proceedings (and silently thank the lawyer or victim for their assistance). If some sexual contact has taken place, the blackmailer may, for example, be able to furnish the police with intimate details about the victim's anatomy or details relating to the victim's home or bedroom that appear corroborative. The question of whether the sex was consensual or not will likely appear to the police to be a minor detail – either way, an offence has been committed in term of the criminal law. GALZ has, as a preventative strategy, urged members not to have casual sex at home with unknown people in order to avoid thereby affording knowledge to a potential blackmailer.<sup>14</sup>

The blackmailer's narrative therefore often revolves around the question of coercion or lack of consent – a charge which must then be disputed, and, if possible, without admitting a consensual encounter. A likely weakness in the blackmailer's narrative is that an allegation of coercion is usually accompanied by a claim that a threatening weapon was used to secure submission – usually

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14 The suggestion that LGBTI persons should be obliged to restrict their behaviour in this way – and for this reason – has sparked some debate. In making this recommendation, GALZ merely points out that some activities in life are high-risk, and that individuals will have a more difficult time dealing with blackmail in Zimbabwe if some basic precautions are not taken.

a gun or knife. The credibility of the blackmailer is severely undermined by the inability to show possession of such a weapon (after a search by the police of the target's premises, if necessary) or by a demonstration that it is impossible for the victim to have performed the alleged act while wielding the alleged weapon. If the blackmailer alleges that the act took place during a loss of consciousness, it then becomes problematic for him to explain how he is aware of the alleged sexual act. A medical examination can be suggested to corroborate allegations of forced anal sex. When a victim is falsely accused of non-consensual sex, they should request that such an examination be conducted, and any refusal to undergo such an examination should be highlighted as negatively affecting the credibility of the blackmailer.

A blackmailer rarely expects the initial demand to be met immediately. The blackmailer might expect an interval between the demand and payment while the victim absorbs the helplessness of his situation. Sometimes, the blackmailer is also aware of the practical difficulties of finding the money to meet the demand. The delay may also be the result of a deliberate tactic by the victim. Any delay severely undermines the credibility of any subsequent report of coercive sex. The police fully expect that a man who has been forced to have sex with another man would be so aggrieved as to report the matter as soon as they are able. The delay in filing the report can thus be highlighted to the police as further undermining the credibility of the blackmailer. This is especially true when there is written evidence of the blackmailer's demand, providing evidence of the self-interested motivation of the blackmailer. Here, police homophobia can be used to the victim's advantage. Police typically expect that a person who had been forced into homosexual sex would demand that the full wrath of the law be deployed, rather than being eager to accept monetary compensation for their complicity.<sup>15</sup>

It is sometimes clear that the blackmailer's charge will be pursued, regardless of the extent to which the victim or their lawyer exposes inconsistencies and fabrications in the story. In these instances, any attempts to show the implausibility of the narrative will simply assist the blackmailer (and

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15 Of course, questions of force, consciousness, medical proof, and delayed reporting do not themselves disprove charges of rape. While they can be helpful in those instances where it is very clear that a client has been falsely accused of rape as part of a blackmail scenario, they may also reinforce arguments used to discredit and deny justice to rape victims. Lawyers must critically and carefully navigate these arguments, and think about the effect they have beyond the immediate case at hand. The presence of force, unconsciousness, medical proof, and swift reporting should not be invoked as litmus tests that prove or disprove a rape allegation in and of themselves.

the police) by revealing where adjustments are required to make the narrative plausible and persuasive as the case proceeds. In these instances, this course of action should not be pursued at this initial stage of the criminal process.

### Possible Police Responses

The manner in which the police respond to false reports of coercive homosexual sex varies widely. The sympathetic end of the spectrum is illustrated by a case in Zimbabwe in November 2007. In this case the police recognised the dubious nature of the blackmailer's story and assisted the victim by requiring the blackmailer to obtain a medical examination before they would proceed further. The hostile end of the spectrum is illustrated by cases where the police not only accept the blackmailer's narrative readily, but seek to join the process and extort money themselves by threatening to proceed with prosecution of sodomy charges unless money is paid. This latter approach may be done more or less subtly. The police officers may bluntly demand money for themselves in exchange for dropping the matter – often with the knowledge that the blackmailer's complaint is fabricated and that there will be no consequences if they fail to investigate or pursue it. Alternately, they may act as collection agents for the blackmailer, using the power of the law to ensure the blackmailer is paid and then taking a commission. In this instance, the police purport to have facilitated a “settlement” between two feuding parties and the successful restoration of community relations.

Given the diverse responses of the police, the manner of dealing with the situation when and if the blackmail process reaches this point will vary from case to case. The victim and their lawyer must gauge whether any attempt to deconstruct the blackmailer's narrative will yield any positive results or simply help the blackmailer and the police to prepare a sound narrative for the prosecution.

Where the police officer purports to be facilitating a settlement, this is the only occasion where payment may be reasonably assumed to be a singular and final expense. The blackmailer has played his card – reporting to the police – and, as the matter is “settled,” this card cannot be played again. The police and blackmailer buy into the fantasy that this is a “legal settlement” between the parties. A further claim is not normally made, as this would expose the lie and re-categorise the transaction as extortion. Naturally, GALZ discourages such payments. They reward the corrupt and extra-judicial mechanisms that facilitate police complicity in

blackmail, and it is unethical for a lawyer to be involved in the process. It does, however, require a principled commitment to activism and the rule of law on the part of the victim to endure the possibility of days of pre-bail custody, ongoing legal proceedings, and public visibility rather than paying the settlement. The victim and the lawyer will be in the best position to decide what is the wisest and most realistic response when such a settlement is offered.

GALZ members have also been involved in attempting directly to address such corruption. Once, in response to blunt and direct demands from police officers themselves, GALZ members sought to arrange a police trap for the corrupt officers during the interval between their demand and the expected payment. The attempt to expose these police officers failed, but the lessons learned in the process were valuable. In seeking the assistance of another section of the police – the Criminal Investigation Department, or CID – the GALZ members found they had to explain aspects of the plan to various junior officers before reaching someone senior enough in the CID to implement the trap. These junior officers gave forewarning to the corrupt officers who were being targeted, and they thus escaped the trap and proceeded to hold the GALZ members in custody “as punishment.” If setting up a trap for corrupt officers, it thus seems necessary that the arrangement should be made exclusively through officers of a different section of the police, and through those who are of higher rank and can hold any corrupt officers accountable.

### A Proactive Approach to the Police

Despite these potential challenges in dealing with the police, LGBTI activists should report blackmail attempts to the police, both as a deterrent and as a matter of principle. The practical reality is that the target of blackmail is likely to face a false charge of coerced sodomy. Unfortunately, the police tend to respond to blackmail based on same-sex activity differently than the manner in which they respond to other crimes. In relation to other crimes, police tend to give credence to the first complaint, and to regard any counter complaint as dubious and raised merely as a false defence to the first report. If the police were to be consistent in their attitudes and apply this standard to cases of blackmail based on same-sex activity, victims of blackmail and extortion could bring their cases to police immediately and trust that they would be acted upon appropriately. The blackmailer’s plea that he was merely trying to get monetary compensation

for the wrong done to him would in such circumstances be treated as a dubious defence, raised only because the blackmailer had been exposed.

Unfortunately, it seems that the police do not act in this manner where LGBTI persons are concerned. This became strikingly apparent in May 1997 when the Director of GALZ, Keith Goddard, went to the police to report that he was being blackmailed. Goddard received three letters from someone he had never met, who threatened to report a non-consensual sexual encounter to the police unless a number of items were delivered to the blackmailer. Knowing the allegations to be false, Goddard took the letters to the police and laid a complaint of attempted extortion. The police questioned the blackmailer, who then recounted to them a lurid narrative of forced oral sex at gunpoint.<sup>16</sup> The two competing testimonies – one alleging that Goddard had never met his blackmailer, who was threatening him for monetary gain, and another alleging that Goddard had met the blackmailer and forced him to have non-consensual sex at gunpoint – were thus put before the police for the facts to be determined.

Astoundingly, in June 1998, the police proceeded to charge both the blackmailer with extortion and Goddard with sodomy – despite the fact that the narratives they presented were factually irreconcilable, and despite the fact that the blackmailer was the chief and only witness in the sodomy case and Goddard was the chief witness in the extortion case. As both charges could not co-exist, the State was legally obliged to determine who was telling the truth and proceed with a single appropriate charge. The criminal charge against Goddard was challenged on this procedural ground, the State became bogged down in technicalities, and neither trial proceeded to its conclusion, as both were apparently abandoned by the State. This caused some discomfort to Goddard, who felt that the matter could be revived at anytime and wanted it to proceed as a matter of principle. Given the attitude of the police and how the matter had unfolded, the legal advice was that the sleeping dog should be left to lie. A judgment from the High Court on the question of inconsistent prosecutions was never given. The saga does not present an optimistic outlook for a proactive approach to the police in cases of blackmail, though GALZ intends to pursue a counter strategy in this regard outlined below.

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16 In light of this allegation, the police searched Goddard's house for the weapon. The closest thing they found was that Goddard had two pink water pistols in sealed packets in his cupboard. Farcically, the police actually seized these children's toys as exhibits to be used in prosecuting the case.

## HANDLING THE BLACKMAILER

In order to pursue the most strategic and effective approach, it is useful to glean as much information as possible about the blackmailer. It is invaluable to know how the blackmailer seeks to justify what he is doing, how he considers himself to be free from culpability in any sexual encounter that has in fact taken place, and how he avoids the moral disgrace attached to blackmailing. The easiest blackmailer to deal with is a non-aggressive, opportunistic blackmailer. When clearly identified as such, the blackmailer should be promptly stonewalled by making it clear that no matter what action is threatened, no money will be forthcoming and persistence in the demand will result in a complaint to the police. Before adopting this strategy, however, one must be sure that the attempt is an opportunistic, once-off attempt and does not require more delicate and strategic handling. Conversely, the most difficult blackmailer to deal with is a blackmailer who does not engage in prohibited same-sex activity, who has taken on his role after an unsuccessful sexual advance by the victim, and who justifies his blackmail as a vigilante, demanding payment as punitive damages and regarding his blackmail as an honourable defence of society's morals. A similar sort of moral or social justification is often alluded to by those police officers who try to usurp or work in collaboration with the blackmailer.

It is not always possible immediately to assess the blackmailer and his motives, and generally, a stalling tactic is recommended while advice is sought. If the initial demand is made by way of a letter – which is commonly the case – the target should immediately seek assistance from an LGBTI organisation. If the approach is made in person, the blackmailer should be told to return later, using the most convenient and convincing excuse which comes to mind – the victim is busy, about to attend a meeting, etc. At this stage, the victim should neither make any promises nor bluntly refuse to accede to the blackmailer's demands, but should remain neutral and postpone any affirmation or negation of the request. Once this is done, this delay should be used to consult a lawyer and develop a strategy for dealing with the blackmailer.

## Avoiding Encouragement and Deterring Abuse

No payment should be made to the blackmailer. A single payment to the blackmailer is akin to blood in the water for a shark. Even a small payment offered as a stalling tactic announces the victim's readiness to cooperate with the conspiracy. It demonstrates that they place a monetary

value on non-disclosure – something that may only be a suspicion for the blackmailer at this point. Each and every subsequent payment affirms the victim’s vulnerability and strengthens the blackmailer’s hand. The blackmailer will then continually try to determine the maximum value of non-disclosure, testing the victim’s endurance both through the frequency and size of his demands for payment. The victim may attempt to reduce the demands made in the face of renewed threats, but having to engage in this negotiation without any real bargaining power is stressful, disempowering, and likely a fruitless exercise.

Although from an objective point of view, it is unwise to pay the blackmailer any money, this is often difficult to grasp when one is actually being blackmailed. The threat of disclosure and the spectre of criminal prosecution are likely to trigger a sense of fear and panic, and the victim may have a strong impulse to make the threat disappear as quickly as possible. The skilful blackmailer often seeks to take advantage of this impulse and to allay the victim’s fears by falsely assuring that their demand for payment will not be repeated – a straw at which the victim desperately and futilely clutches. This promise is rarely true, and readily acceding to the blackmailer’s demands is likely to place the victim in a more difficult and compromising position at a later stage.

### **Refusing to Read the Subtext and Breaking the Conspiracy of Silence**

Where it is felt that it is inappropriate or unwise to file a charge of blackmail with the police, it may be possible to refuse to read the subtext or accept the blackmailer’s invitation to enter into a discreet conspiracy of silence. Few blackmailers in Zimbabwe bluntly convey their demands by insisting, “pay me money or I will tell the police that you engage in homosexual acts.” Such a demand would identify the blackmailer as such – not only in the eyes of the victim, but in the eyes of the blackmailer himself. Instead, the blackmailer typically will write a note that conveys this idea under opaque or false pretences. He may suggest that because of “what happened last night,” he needs monetary compensation from the victim. Often, the blackmailer alleges that he has “contracted a skin disease” or some other ailment, and requires money for treatment. It is also common for blackmailers to allege that their relatives have discovered the liaison and are demanding compensation – thus appropriating a traditional response to heterosexual seduction to extort money from their victim. The threat to

go to the police, to create pressure to obtain this money, is often implied. It may, however, be contained overtly in the initial letter or spelled out in a subsequent letter if the blackmailer fears that the victim might not have understood the subtext of the original message.

The blackmailer should be encouraged to put his demand in writing – if he has not already done so. The victim can encourage this under the pretext of asking for a breakdown of the “damages” which would have been incurred if the blackmailer’s claim were true – for example, the cost of transport to the doctor, the cost of the consultation, the cost of medicines, etc. It can also be done on the pretext that the demand must be put in writing so that the target knows what is being demanded and to ensure that the demand is not changed, increased, or repeated.

Once the blackmailer has indicated the guise under which the blackmail will take place, the target may refuse to read the subtext and instead act on the pretence supplied by the blackmailer. If the pretence is one of having contracted a disease as a result of the encounter, the target may offer to arrange and pay for the medical treatment, with the proviso that the examination be done through the target’s own doctor, who is experienced in treating such conditions. If the pretence is one of aggrieved relatives, the target may offer to negotiate with them through lawyers, and insist that the blackmailer should speak with a lawyer and the relatives to set up the date and time for a meeting. The target can also invite the blackmailer to have his relatives put their demand in writing for consideration by the target’s lawyer.

By refusing to accept the subtext of the blackmailer’s demand, the victim does not indicate a refusal to comply, but instead forces the blackmailer to seek an alternative way of threatening disclosure. There are several advantages to this tactic. It delays the matter and engages the blackmailer in protracted negotiations, which undermines the credibility of any later report the blackmailer might make to the police. Moreover, the involvement of a third party – a doctor, lawyer, or other witness – helps foreclose any attempt to initiate the private, intimate, and almost sado-masochistic relationship with the victim which gives the blackmailer confidence and security in their blackmail.

For the same reasons, a lawyer may also be introduced into the relationship by purporting to take the blackmailer at his word that the payment will be once off. The victim can then insist that the blackmailer meet with his lawyer to draw up an agreement to ensure that this is the case.

While such an agreement may not carry legal weight, this pressure to document the agreement often acts as a powerful deterrent to the blackmailer. Again, the victim is ostensibly complying with the blackmailer's demands, but is placing a significant hurdle in the blackmailer's way which he often does not attempt to circumvent. When this offer is taken up by a blackmailer – which occasionally happens – the documents which the lawyer invites the blackmailer to sign are made so obviously incriminating, and the implications of blackmail are spelled out by the lawyer in such a grave fashion, that the blackmailer is often compelled to retreat.

Of course, such retreat is not always the case. One reaction to this kind of tactic has been that the blackmailer has then abandoned the subtleties of blackmail and resorted to overt extortion, such as threatening to assault the victim unless the money is paid. While this obviously places the victim in a difficult and often frightening position, it also signals a significant shift in tactic by the blackmailer. The blackmailer is no longer directly threatening disclosure, but is threatening to resort to physical violence. The blackmailer is relying on his belief that he will be immune from prosecution for any assault, and that the victim will be reluctant to approach the police out of fear that this will lead to the disclosure of their secret. The appropriate response to this threat is to first remove the victim from harm's way, and to then to write a letter to the blackmailer disabusing him of this notion and outlining the legal repercussions that will result from any actual or attempted assault.

## CONCLUSION

This chapter has dealt with attempts to address occurrences of blackmail rather than direct attempts to prevent it – although of course ending impunity for blackmail is itself a preventative measure. When GALZ first came out publicly as an LGBTI activist group in 1995, there was a vicious and vitriolic backlash against LGBTI persons upon which blackmailers sought to capitalise. In response, GALZ developed a variety of preventative strategies designed to reduce the opportunities for blackmail – an intervention which has proved enormously successful thus far, even if some of their suggestions are open to objection. Suggestions that casual sexual encounters should not take place at home or encouraging members to conceal one's identity to avoid potential blackmailers have been likened to advice to women not to dress “provocatively” or to avoid certain areas to reduce their risk of rape. Nonetheless, the number of known blackmail attempts against members of GALZ dropped from three or four per month to fewer than three or four per year as a result of these tactics.

A number of incidents do still occur, usually among non-members of GALZ who then approach GALZ for assistance. Blackmail of LGBTI people will continue until unjust and discriminatory criminal sanctions are removed and public contempt for LGBTI persons decreases. While GALZ is committed to these objectives, it has also recognized the importance of interim strategies that might mitigate the consequences of blackmail on the lives of LGBTI people – despite its prevalence.

In keeping with this objective, GALZ intends to lay the groundwork for a proactive approach in relation to reporting blackmail to the police. The organization intends to approach the Attorney General to ask for an official policy outlining the appropriate response of the police to a report of blackmail. It is hoped that the response will clarify that the police ought to charge the blackmailer rather than the target of that blackmail. At the very least, such a policy should caution the police that there must be clear and credible evidence before the victim of blackmail is himself charged. If a favourable response is received and such a policy adopted, copies will be made available to have on hand when filing complaints to the police. Unfortunately, this strategic clarification has been postponed as a result of Zimbabwe's political turmoil. While such a policy is badly needed, pursuing it in the present climate is impractical and potentially counterproductive.

Even when the tactics and strategies outlined here are deployed, some victims believe that they cannot risk exposure of their sexual orientation in any circumstances. These persons continue to yield to blackmailers' demands at enormous personal, emotional, professional, and financial cost. Victims who have the means to emigrate have been motivated to leave the country. In at least one instance, blackmail was the final straw which drove a depressed GALZ member to commit suicide. While tactics and strategies for combating blackmail may mitigate the harm it causes, they cannot wholly negate the damaging and deleterious effect that blackmailers have on the lives of their victims.

## RESPONDING TO BLACKMAIL AND EXTORTION AS HUMAN RIGHTS VIOLATIONS

Ryan Richard Thoreson

The preceding chapters vividly illustrate how severely blackmail and extortion affect the lives of LGBT people in sub-Saharan Africa. As a result of criminal laws and social stigma, these populations are routinely victimized by those who take advantage of this precarious position for their own material gain. The impact on victims, who suffer financial ruin and physical, emotional, and psychological trauma at the hands of their blackmailers, is devastating.

Although blackmail and extortion are two of the most common ways in which LGBT people are victimized in sub-Saharan Africa, they have proven difficult to deal with and have gone largely unaddressed within a human rights framework. The research presented in this volume has consistently shown how the illegality and stigma surrounding same-sex activity have empowered perpetrators and made interventions to deter or address blackmail and extortion difficult or impossible.

The authors in this volume identify a number of practical approaches for addressing the victimization that LGBT people regularly experience. In this chapter, I look at steps that might be taken to address blackmail and extortion directly, both to curb the factors that encourage perpetrators and to deliver justice to victims who find themselves at risk. I also consider what might be done, domestically and internationally, to encourage states to address blackmail and extortion as human rights violations.

## PRACTICAL STRATEGIES TO COMBAT BLACKMAIL AND EXTORTION

For victims of blackmail and extortion, these crimes often seem impossible to deal with – indeed, targets are often victimized precisely because they have a great deal to lose and feel they are unable to draw on networks of support. As Matyszak so powerfully illustrates, it requires a great deal of time, effort, and skill to carefully extricate a victim from a blackmail situation. The stories in this volume suggest that the only effective way to deal with blackmail and extortion is to target the root causes of illegality and stigma that allow perpetrators to commit them. While there are some steps that individuals can take, these fundamentally require changes in policy and attitudes by state and non-state actors alike.

One of the threads that runs prominently throughout this volume is the fact that sodomy laws encourage criminality by implicitly placing LGBT

people outside the scope of the law's protection. They serve as license to perpetrators to commit not only blackmail, but theft, assault, rape, and even murder with impunity. They discourage victims from coming forward, and foster corruption in the justice system. So long as these provisions remain in place, unscrupulous individuals are likely to take the law into their own hands, making life intolerable for LGBT people and weakening the rule of law.

While it is important to educate LGBT individuals about laws regarding blackmail and extortion and to ensure that these are appropriately enforced, laws alone are not enough. Homosexuality receives a disproportionate amount of negative attention and disapprobation in the media and broader society. As Chibwezo suggests, many victims of blackmail and extortion may overestimate the likely punishment for criminal charges related to homosexuality and underestimate the severity of that likely to be levied for blackmail and extortion. Unfortunately, these fears are often well-founded, with police and other officials themselves being either unaware of blackmail and extortion laws or purposely ignoring them and allowing blackmailers to operate with impunity to unfairly target LGBT people who come forward as victims. As Cobbinah, Chibwezo, and Matyszak point out, police in Ghana, Malawi, and Zimbabwe have all pursued simultaneous prosecutions under sodomy laws when LGBT people approach the legal system for protection. This not only denies justice to those facing threats of libel, slander, theft, rape, and murder, but deters them from reporting these crimes.

The narratives in this volume suggest that transparency and accountability in the police and the judiciary are an important step. Police need to be trained to understand laws on blackmail and extortion, sensitized to the magnitude of the problem for LGBT people, and taught to protect the interests of victims. There should also be accessible and transparent mechanisms in place to report abuses of power and to obtain redress.

A further, albeit partial, measure that might be undertaken immediately is for blackmail and extortion laws to be strengthened through limiting the opportunities for blackmailers. A number of jurisdictions specify that the veracity of the blackmailer's allegations is immaterial to the prosecution of the blackmailer. Ideally, all jurisdictions should specify that a person reporting a case of blackmail cannot be investigated consensual and non-violent crimes – such as same-sex activity, recreational drug use, or sex work – based solely on their blackmailer's allegations of these crimes. Unfortunately, any solutions that do not involve full decriminalization are

likely to fall short, as laws against same-sex activity will give corrupt officers a tool to pressure, intimidate and even blackmail victims who seek legal redress for blackmail and extortion.

Of course, as both Phillips and Azuah emphasize, so long as homophobic stigma exists, decriminalization will not eradicate instances of blackmail and extortion. Blackmail still occurs in countries that have decriminalized or never specifically criminalized homosexuality, but where the consequences of disclosure may still be painfully real.

Among the challenges that this volume illuminates is the lack of information about blackmail and extortion that keep these issues from being addressed in LGBT communities. Many of the interviewees testify to the fact that they did not know whether the blackmail and extortion they were experiencing was illegal, or whether they would be charged if the perpetrator turned them into the police for homosexuality. Even those who realized that they were being blackmailed or extorted – especially those without the means to seek legal or professional assistance – were frequently at a loss about how they should respond to the threats, and what the potential risks and benefits might be.

NGOs, specifically human rights groups and community-based LGBT organisations, have a role to play in combating blackmail and extortion. Chibwezo found that 65% of respondents in Malawi felt that it was important to sensitize the LGBT community if blackmail and extortion were to be dealt with effectively. A critical strategy for civil society, then, might be to raise awareness of what the country's laws on blackmail, extortion, and homosexuality actually say, to devise and disseminate tips and strategies to minimize the risk of blackmail and extortion, and to make it clear where victims can find guidance from sympathetic groups, lawyers, and officials who might assist them if they find themselves being threatened. Both blackmail and extortion fundamentally depend on the shame and secrecy of victimization. NGO staff and community leaders can be a powerful force in raising awareness and encouraging victims to bring their cases forward.

Human rights groups can also make inroads against blackmail and extortion by continuing and institutionalizing the kinds of research and documentation that went into the production of this volume. While each instance of blackmail and extortion differs and should be handled on an individual basis, there is a need to build reporting and response networks that can consistently deal with cases of blackmail and extortion as they

occur. What this might look like will vary from jurisdiction to jurisdiction and country to country, depending on domestic laws, relationships with government and the police, and the visibility and capacity of the local and national LGBT organisations to document, analyze, and assist with cases as they arise.

Many groups are already doing this important work. Matyszak describes how GALZ has offered advice to its members to reduce their vulnerability to blackmail attempts, which has proven remarkably effective in reducing the incidence of blackmail. By warning LGBT people, for example, not to take strangers to their homes, not to share personal details that might be later used against them, and not to offer any preliminary payments to blackmailers, GALZ has made their members safer, stronger, and less vulnerable. Other innovative and effective models are emerging as groups across Africa are tackling problems of blackmail and extortion head-on. In Ghana, the LGBT community has launched a website called *Fakers2Go*, which posts the photos and tactics used by well-known blackmailers – particularly those who entrap their victims on popular dating websites – and equips the community to recognize and avoid serial perpetrators.<sup>1</sup> While this model may not be the solution for every LGBT community and may itself not be invulnerable to abuse, the development of community-based responses is a promising avenue for deterring and responding to victimization.

LGBT organisations are tasked with addressing a wide variety of community needs including advocacy, service provision, and community mobilization. Thinly-stretched groups may have limited capacity to grapple with a problem that requires so much careful attention. Nonetheless, the extent of blackmail and extortion and the toll it takes on victimized individuals, their families, and their communities merits urgent attention. It is therefore important for funders and other civil society and human rights groups to find ways to meaningfully support these projects as they are launched – for example, to provide groups with legal counsel who can assist those who are being threatened, to supply the tools that are necessary to document incidents, or to incorporate these issues into other efforts to sensitize law enforcement and improve the rule of law.

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1 See Haiku, Haute, “Africa: Preventing Blackmail and Extortion Against Gays,” *Global Voices*, 7 September 2009, <http://globalvoicesonline.org/2009/09/07/africa-blackmail-and-extortion-against-gays-in-africa/>, accessed 20 August 2010; and *Fakers2Go*, “Gay Dating Scams in Ghana,” at <http://fakers2go.wordpress.com/>, accessed 25 August 2010.

## CREATING A CLIMATE FOR ACCOUNTABILITY AND JUSTICE: STRATEGIES FOR HUMAN RIGHTS ADVOCACY

While it is crucial that governments and civil society take concrete steps to address blackmail and extortion, it is also important for human rights defenders at the regional and international levels to create a climate where these interventions are encouraged and supported. In Africa and elsewhere, human rights defenders have a role to play in highlighting how blackmail and extortion rob victims of dignity and freedom and undermine accountability and justice wherever they occur. Below, I lay out three potential legal and diplomatic strategies that human rights defenders might pursue in addressing blackmail and extortion.

The unacceptability of blackmail and extortion has been affirmed repeatedly in the international legal and policy sphere.<sup>2</sup> Addressing blackmail and extortion within a human rights framework can be practically difficult, however, and few organisations have attempted to do so. Both blackmail and extortion thrive on secrecy – particularly where allegations of same-sex activity are concerned – and the facts in these cases are often complex and messy. As Phillips so insightfully points out, reporting is made especially difficult insofar as those threatened because of sexual transgressions often lose the “innocence” that wins sympathy from human rights defenders – including, at times, LGBT defenders. The applicability of human rights law has been further limited by the prevalence of blackmail in the so-called private sphere, where neighbors, families, or other non-state actors are the perpetrators of abuse. Research showing that a government is complicit in blackmail and extortion – either through its direct involvement or its failure to bring justice to those who

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2 Multiple treaty bodies have condemned or expressed concern about the use of extortion, including the Committee on the Rights of the Child (CRC/C/15/Add.257, 13 April 2005; CRC/C/PAK/CO/3-4, 15 October 2009), the Committee Against Torture (CAT/C/ZAF/CO/1, 7 December 2006), the Committee on the Elimination of Racism (CERD/C/ZAF/CO/3, 19 October 2006), the Committee on Economic, Social, and Cultural Rights (E/C.12/HUN/CO/3, 16 January 2008), the Committee on Migrant Workers (CMW/C/MEX/CO/1, 20 December 2006), and the Human Rights Committee (CCPR/CO/79/GNQ, 13 August 2004). The topic has also been referenced by a number of Special Procedures. Incidents targeting people on the basis of sexual orientation and gender identity are referenced in the reports of the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (E/CN.4/2004/56/Add.1, 23 March 2004 and E/CN.4/2005/62/Add.1, 30 March 2005). The importance of offering redress without criminalizing the victims of extortion is emphasized in the Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea (A/HRC/4/15, 7 February 2007).

are victimized – is crucial in demonstrating the culpability of the state and applicability of the human rights framework.

Nonetheless, the stories in this volume vividly illustrate a variety of ways that blackmailers and extortionists do specifically prevent LGBT people from enjoying their rights. Extortion is straightforwardly criminal, and takes advantage of the marginal position of LGBT people to psychologically, physically, and sexually threaten them. While a blackmailer may not directly violate their victim in this way, they nonetheless prevent them from exercising their full range of rights. Both blackmailers and extortionists force victims to surrender their material possessions and unjustly deprive them of the food, property, shelter, and social security to which they may be entitled. They prevent victims from exercising their right to education and their right to work. Victims are also manipulated in such a way that they are effectively prevented from participating in public life and accessing the police, the judiciary, and other mechanisms designed to promote justice and the rule of law. Typically, blackmailers and extortionists force their victims to give up their autonomy as well as their resources – both of which limit their enjoyment of the most basic human rights.

### Specific Violations of Dignity, Privacy, and Autonomy

It is evident from the stories in this volume that blackmailers and extortionists not only put their victims in an untenable position, but also directly limit the dignity, privacy, and autonomy to which they are entitled under human rights law. The preambles of both the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR) root their guarantees in “the inherent dignity of the human person,” noting that the ideals of the human rights project can only be realized when conditions are such that the dignity, freedom, and rights of the individual are respected.<sup>3</sup> Similarly, the African Charter on Human and Peoples’ Rights (African Charter) reiterates that, as per the Charter of the Organisation of African Unity, “freedom, equality, justice and dignity are essential objectives for the achievement of the

3 For references to the ICCPR and ICESCR, see: Office of the United Nations High Commissioner for Human Rights, International Covenant on Civil and Political Rights, 16 December 1966, at <http://www2.ohchr.org/english/law/pdf/ccpr.pdf>, accessed 16 September 2010; Office of the United Nations High Commissioner for Human Rights, International Covenant on Economic, Social, and Cultural Rights, 16 December 1966, at <http://www2.ohchr.org/english/law/pdf/cescr.pdf>, accessed 16 September 2010.

legitimate aspirations of the African peoples.”<sup>4</sup> As this volume suggests, the dignity of LGBT people is routinely undermined when they are subject to blackmail and extortion, as victims are humiliated, exposed, and manipulated by perpetrators. States further compound this and neglect basic human rights provisions when they fail to hold accountable perpetrators who target LGBT people.

The ICCPR contains a number of Articles protecting the autonomy of the individual from coercion by others. Article 17(1-2) offers the strongest condemnation of blackmail in the ICCPR, stating: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

These instruments do not only condemn forms of blackmail and extortion that interfere with the victim’s life by forcing them to buy their privacy for a price. They also condemn those threats that limit the victim’s autonomy by holding them hostage to the whims and demands of their blackmailer or extortionist. Indeed, Article 5 of the African Charter broadly prohibits “all forms of exploitation and degradation... particularly slavery, slave trade, torture, [and] cruel, inhuman or degrading punishment and treatment.” Perpetrators who use the vulnerability of LGBT people to force them into compliance flagrantly ignore the prohibition of servitude and forced or compulsory labour in Article 8 of the ICCPR. The forced surrender of goods and possessions, whether in blackmail or extortion, further violates Article 14 of the African Charter, which states that, “the right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.” Depending on the venue and extant case law, defining blackmail and extortion in terms of the unjust demands it makes of the individual – for their autonomy, labour, or property – may offer novel routes for victims to pursue redress.

The unique intimacy and invasiveness of these crimes make it impossible for LGBT people to exercise their most basic rights and freedoms. In both blackmail and extortion, perpetrators directly interfere with the dignity, privacy, and autonomy of their victims. In many of the

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4 For references to the African Charter, see: African Commission on Human and Peoples’ Rights, African Charter on Human and Peoples’ Rights, June 1981, at [http://www.achpr.org/english/\\_info/charter\\_en.html](http://www.achpr.org/english/_info/charter_en.html), accessed 16 September 2010.

cases in this volume, the police and other agents of the state were directly responsible for these violations. In others, the state's responsibility is more systemic and less visible, as it effectively allows blackmailers and extortionists to operate with impunity and then denies their victims equality under the law.

### Violation of Impunity

The theme of impunity for blackmailers and extortionists is one that emerges in every chapter – impunity that is aided by the negligence and sometimes the direct complicity of agents of the state. In fact, the level of impunity enjoyed by perpetrators of blackmail and extortion targeted against LGBT people is staggering. The state is culpable for its failure to respond to a pattern of human rights abuses and instruments of international and regional law make it patently clear that the state has an obligation to investigate human rights violations and hold perpetrators accountable. The ICCPR states in Article 2(3) that states must “ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.” Similarly, Article 7 of the African Charter guarantees that, “Every individual shall have the right to have his cause heard. This comprises: the right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; the right to be presumed innocent until proved guilty by a competent court or tribunal; the right to defence, including the right to be defended by counsel of his choice; [and] the right to be tried within a reasonable time by an impartial court or tribunal.” All four of these guarantees are systematically denied to LGBT victims of blackmail and extortion. Like other marginalized groups, the recourse they have to the judicial system is heavily circumscribed by prejudice, stigma, and discrimination. In the rare event that these victims feel comfortable bringing their case forward to police or the justice system, they are regularly presumed to be guilty of whatever their blackmailer alleges they have done, and often find themselves at the mercy of an unsympathetic justice system.

As documentation of the problem becomes readily available, through this report and other means, states have even less of an excuse to avoid their obligation to ensure that blackmailers and extortionists are brought to justice in a manner that does not further violate the rights of their victims.

## Violation of Equality

What is particularly worrying about the impunity in these cases is that it is so closely tied to the fact that the victim is actually or allegedly LGBT rather than some aversion to the prosecution of these crimes in general. States have aggressively prosecuted alleged blackmailers and extortionists in a number of jurisdictions, especially those who are accused of targeting the ruling party and agents of the state. When blackmailers and extortionists target LGBT people and other marginalized groups, however, they are rarely if ever prosecuted to the full extent of the law.

States have an obligation to ensure that all people are equal before the law and have access to the justice system. Article 2(2) of the ICESCR obliges states to guarantee that rights will be “exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” which the Committee on Economic, Social, and Cultural Rights has interpreted to include sexual orientation.<sup>5</sup> Article 2 of the African Charter, too, states that: “Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.”

The principle of non-discrimination also extends to access to courts and equality before the law, rights seldom enjoyed by LGBT victims. Article 26 of the ICCPR states that “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” This guarantee is extended regionally in Article 3 of the African Charter, which unequivocally provides that: “Every individual shall be equal before the law. Every individual shall be entitled to equal protection of the law.” That protection is rarely forthcoming, however, for LGBT people who are presumptively and regularly denied justice when they are victimized.

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5 The Committee has reiterated this interpretation multiple times. See General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), E/C.12/2000/4, August 11, 2000: “Special Topics of Broad Application”; General Comment No. 15: The Right to Water (arts. 11 and 12), E/C.12/2002/11, January 20, 2002; General Comment No. 18: The Right to Work (Art. 6), E/C.12/GC/18, February 6, 2006.

As the surveys from Ghana, Cameroon, Nigeria, and Malawi suggest, blackmail and extortion also violate the promise of equality and non-discrimination, as LGBT people find themselves unfairly barred from the justice system on the basis of their sexual orientation, gender identity or expression, or sexuality. Often, accusations of criminalized same-sex behaviors – whether actual or merely alleged – are used to deny victims recourse to the most basic protections of the rule of law. Whether or not the state is directly responsible for the blackmail and extortion of LGBT people, it consistently allows their persecutors to commit crimes with impunity, and frequently bars them from the justice system on the basis of their real or presumed sexuality and presumptive criminality under the law.

## CONCLUSION

Although blackmail and extortion are among the most common problems facing LGBT Africans, they are notoriously difficult to deal with. Recognizing the scope of the problem renders this challenge more daunting and urgent. Shockingly, LGBT people are often victimized by the people closest to them – coworkers, friends, or even lovers – who use the threat of disclosure to manipulate their victims. The intimacy, secrecy, and shame that so often accompany the crime make it difficult to hold perpetrators accountable in any kind of systematic way.

The difficulty of coping with blackmail and extortion makes it that much more important to address the root causes which allow it to occur. The research in this volume overwhelmingly identifies illegality and stigma surrounding same-sex sexuality as the two factors that consistently enable blackmailers and extortionists to target LGBT people. Together, illegality and stigma foreclose the options available to victims by stripping them of their rights and disabling the support networks to which they might normally turn for assistance. So long as victims find that they lack recourse both in law and society, they will be profoundly vulnerable to those who would take advantage of their position for their own gain.

The scope of blackmail and extortion is staggering, both in the lives of individuals who have to cope with the terror of entrapment and the fear or exposure, and for a wider society that has to deal with the broken relationships, the family disruption, the official corruption, and the rampant criminality that those crimes foster. The corrosive effect of the crimes on the social fabric should compel states to take swift action to address the root causes of blackmail and extortion. States can combat

illegality by decriminalizing same-sex activity, strengthening laws that protect victims from the crimes, and training police and officials in the judiciary to deal swiftly and impartially with cases that are presented to them. States as well as NGOs can make conscious efforts to curb stigma by raising awareness around blackmail and extortion and creating reporting and response mechanisms to cope with incidents as they occur. Taken together, these measures not only neutralize the threats that blackmailers might make, but make it clear that they run a considerable risk of prosecution if they proceed in doing so.

While human rights mechanisms offer little in the way of concrete solutions to assist victims of blackmail and extortion, they can usefully illuminate where states are failing in their obligations to LGBT people. In the end, blackmail and extortion of LGBT people merit swift and substantive intervention from the state. As this volume itself suggests, however, it is tremendously important to highlight patterns of persecution that are going unchecked, and to use that knowledge to identify remedies and pressure key actors to implement them. The human rights framework can be helpful in showing how rights to dignity, privacy, and autonomy are routinely violated, how perpetrators are allowed to target their victims with impunity, and how discrimination and inequality deny victims of blackmail and extortion access to legal redress. By refusing to ignore these patterns, civil society and human rights defenders will be indispensable in inducing states to act, providing assistance when necessary, and monitoring their progress – and continuing to do so until LGBT people are empowered and equipped to bring perpetrators to justice.